1929

The Minutes of the Rhode Island Convention of March 1790

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FOREWORD

THIS edition of the hitherto unprinted Minutes of Theodore Foster is the apprentice work of a student in the American history seminar in Brown University. The struggle in Rhode Island for the ratification of the Federal Constitution has already been rather minutely studied, especially in the important monograph of Dr. Frank G. Bates. The present publication changes none of the larger conclusions of earlier students, but it adds its increment of information upon the issues which dominated the debate in Rhode Island, and upon the strategy of parties. The editor has been at considerable pains to present an accurate text, no small task in view of Foster's handwriting: the result, certainly, is more trustworthy than Staples's unreliable text of the incomplete official minutes. He has settled conclusively the authorship of the document; and at other points he has provided an adequate commentary. In his introductory survey of the historical background he has properly made considerable levies upon earlier studies, but has added a number of interesting details. With the publication of this appendix, as it may be regarded, to Bates's study, that chapter in Rhode Island history is substantially complete.

Constitutional history is a well-ploughed field in comparison with those phases of Rhode Island's economic and social development upon which the two preceding volumes in this series have thrown their light. Yet these three documentary publications upon the revolving fund of the Rhode Island Historical Society have, after all, some common significance. The Sanford and James Brown commercial papers helped to picture the begin-
nings of colonial commerce and the emergence of the merchant class in Newport of the late seventeenth century and in Providence more than a generation later, when the northern town stood at a like stage in its business development. From such records, published and even more largely unpublished, the historian will have to trace the evolution of the commercial republic of Rhode Island. For such was the main character of this community in the second century after its founding by bands of exiles for conscience's sake. But Rhode Island, outside the ports, was also an agrarian community, provincial and self-centered to a degree in contrast with the wider outlook of the merchants and their allies, the business lawyers of the type of Henry Marchant. These conflicting material and social interests underlay much of colonial politics in Rhode Island and the chaos of the post-Revolutionary period. In 1790 they met in their most momentous struggle upon the political stage.

Verner W. Crane.
THEODORE FOSTER

From an oil painting
inherited by Theodore Foster Tillinghast
The official Journal of the sessions of the Constitutional Ratifying Convention held at South Kingstown in 1790, which was kept by Secretary Daniel Updike, is preserved with various papers relating to the adoption of the Federal Constitution by Rhode Island in the State Archives at the State House in Providence. Updike's Journal, with certain of the supplementary documents, has been printed by W. R. Staples in his *Rhode Island in the Continental Congress*, but unfortunately it is not complete. There are few entries in regard to the prolonged discussion of the proposed Amendments and Bill of Rights, and no record of the heated debates on the power of the Convention to adopt the Constitution and on the subsequent question of adjournment. Members of the Rhode Island Historical Society, interested in constitutional development, knew of the existence of a small book belonging to the Society which also contained minutes of the Convention. The Society, in January, 1929, voted to have this document printed in order that its valuable source material might be accessible to people interested in the story of Rhode Island's long delay in ratifying the Constitution.

The manuscript consists of eighty-one small pages, about four inches by seven, written in a fine and hurried hand. From the wording of the document and its numerous abbreviations and unfinished sentences it is evident that it was actually written down during the debates in the Convention. The author's comments serve to create in the reader's mind the spirit of the meeting.

Mr. Frank Greene Bates in his excellent monograph, "Rhode Island and the Formation of the Union" (1898), apparently did not make use of this source. At that time the first sixteen pages had been misplaced; nor had they been found in 1902 when Edward Field edited the three volume work, *State of Rhode*
Island and Providence Plantations. Clarence S. Brigham, one of the several authors of this history, made some use of the other pages, but it was not until 1906 that the complete manuscript was brought together by Mr. Brigham, then Librarian of the Society. No one has made use of the Minutes, as we shall refer to the manuscript, since the loose pages were bound.

A clue to the authorship of the Minutes is found in a space near the top of the first page, for here is written in a later hand: "from Charles F. Tillinghast". Mr. Tillinghast (1797-1864) was the son of Stephen and Theodosia (Foster) Tillinghast and a noted lawyer of Providence. He was one of the original members of the Rhode Island Historical Society and active in its service, judging from the charter of the Society and the books containing the list of accessions. The probable occasion for his presentation of the Minutes to the Society appears in the record of the October meeting in 1839. At this time it was voted to "prepare and present to the General Assembly of this State a memorial in behalf of this board, on the subject of the approaching Semi-Centennial Anniversary of the adoption by this State of the Constitution of the United States, and requesting them to make early arrangements for a Public Celebration of the same."

This resolution, no doubt, reminded Mr. Tillinghast of his valuable possession and prompted him to give it to the Society. Before the record for the year beginning July, 1840, one finds written in the accession book that he had given "Foster's Journal of Convention of state for adopting Constitution 1790". A study of the available evidence, internal and external, confirms his identification and points specifically to the fact that the Minutes were written by the grandfather of the donor.

The Honorable Theodore Foster (1752-1828) was a diligent student of history and for many years busy in affairs of state. He entered Rhode Island College (later Brown University) in 1767, and was graduated in 1770; in 1773 he received the A.M. degree, when he delivered an oration on "The Future Greatness of the American Colonies." He received the same degree from Dartmouth College in 1787, and in 1794 he became a trustee of Brown University. After graduation he had taken up the profession of law. In 1772 he was appointed assistant clerk of the
superior court; and from 1775 to 1787 he held the position of town clerk of Providence. He was, then, well equipped to keep the Minutes of the Convention. He was also sheriff of Providence County; a deputy from Providence to the General Assembly for six sessions; and from 1776 to 1781, secretary of the Rhode Island Council of War. Mr. Foster was not a member of the Convention which met at South Kingstown, but he was active as a Federalist in the struggle for adoption. When the Federalists had triumphed, he and Mr. Benjamin Bourne were chosen the first senators to Congress. This office he held from 1790 to 1803. When the town of Scituate was divided in 1781, the newly created town was named Foster in his honor. In 1801 his wife Lydia, sister of Governor James Fenner of Providence, died, and for the next twelve years he lived mostly on his estate in Foster. After the death of his second wife, Esther Brown Millard, in 1815, he came to live with his eldest daughter Theodosia, wife of Stephen Tillinghast, and mother of Charles Foster Tillinghast. In her home Mr. Foster spent the remainder of his life, and thus, apparently, his writings came into the possession of his grandson.

At two different periods in his life, 1776-1785 and 1803-1828, Theodore Foster devoted the larger part of his time to the collection of historical materials. His papers, many of which came from Governor Stephen Hopkins, amount to about one thousand, and are in the possession of the Rhode Island Historical Society. His "Materials for a History of Rhode Island" are included in William E. Foster's sketch of his "Life and Services" (R. I. H. S. Collections, VII, 1885). A knowledge of his interest in historical research and especially in affairs of state led to a belief that he possibly attended the Convention. An inspection of The Newport Herald for March 4, 1790, shows that he was present: "Theodore Foster, Esq; and Daniel Updike, Esq; were in nomination for Secretary; upon a ballot being taken, the latter was elected by a majority of twelve". Not put out by the turn of the election, Mr. Foster evidently kept his own record of the proceedings. From a comparison of the writing of the manuscript with that of several letters bearing Mr. Foster's signature, there can be no doubt of the authorship,
and one may safely say that this book contains the original Minutes kept by Theodore Foster, eye-witness of the Convention, historian and public servant.

To understand the long delay of Rhode Island in ratifying the Constitution of the United States it is necessary to watch the growth of the Federalist and Anti-Federalist parties. These two divisions of the people grew naturally out of the Hard Money and Paper Money parties which corresponded roughly to the commercial and agricultural interests of the state.

The struggle with Great Britain had temporarily united the old Rhode Island factions of the colonial period. When Congress in 1781 asked the power to lay impost duties which should be used to pay the Continental debt, the request met the opposition of both the agricultural and commercial classes of the state. The leader of this opposition to the congressional plan was David Howell, Representative in Congress, a lawyer and farmer of Providence, but the unanimous vote of the fifty-three members present in the Legislature (of sixty-eight members) in November, 1782, indicates that the commercial class then felt that the impost would be injurious to them. However, judging from general impressions gained from reading in newspapers and letters it appears that the class as a whole was less united than the farmers. Rhode Island's single vote made impossible the payment of the Continental debt, a stabilized currency, and the ability to obtain necessary credits abroad. It was not until 1785 that the commercial classes, led by Providence, Newport, and Bristol, which felt the burden of British trade restrictions, succeeded in passing an act to give Congress the power to regulate foreign importations and interstate commerce.¹ In February, 1786, the power to levy and collect an impost was granted, and power over exports was granted in March.² Thus, by 1786, the heavy war debt and the British restrictions had again divided the two groups of citizens. The farmers were the debtor class and they turned to paper money for relief, while the commercial

¹Rhode Island Colonial Records, X, 90, 130.
²“Schedules” for February, 1786, p. 37; Rhode Island Colonial Records, X, 180.
interests sought the aid of a strong government. A petition in 1785 requesting a new bank of paper money was rejected by the Assembly. This action stirred the country to prepare for the October election.³

The February, 1786, session was commercial in its majority, but the growing strength of the country or paper money party is shown by the fact that Glocester, Smithfield, Tiverton, Foster, Middletown, and Coventry sought an issue of paper.⁴ Providence and Newport saw that their common interests were at stake and then began a long and desperate protest against the action of the country party. About three hundred citizens of Providence drew up a memorial to the Assembly voicing their sentiments on the matter. They attempted to show that paper money brought no benefit even if it stayed at par, and since this could not be the case it would be unfair, as the debtor would benefit at the expense of the creditor. They correctly pointed out that paper would drive gold out of the state and with it would go their credit and trade.⁵ Newport’s memorial declared there was enough money for the needs of the state and that if the debtors, who wanted to pay off mortgages, did get the issue, trade and credit would be ruined.⁶ The trading centers would be the first to feel the ill effects of paper money because they exported manufactures to the other states and in turn imported raw materials from neighboring states and manufactured articles from abroad.

The March Assembly, convening at East Greenwich, proceeded to vote down a motion to issue paper money by a vote of forty-three to eighteen, and by the same vote to pass an impost act which provided that the returns therefrom should go to pay the State debt.⁷ At this session, “An act for making real and certain enumerated articles of personal estate, at an appraised value, liable under certain restrictions for the payment of debts

⁴“Papers Relating to the Adoption of the Constitution” (MS), p. 47, 50, 58, 59, 60, 63.
⁵Providence Gazette, March 4, 1786.
⁶“Rhode Island Historical Society MS,” III, 110.
⁷United States Chronicle, March 2, 9, 1786.
upon execution" was passed at the suggestion of Providence in an attempt to aid the country without hurting the towns.\(^8\) These measures did not bring satisfaction, and the distrust of the paper money advocates grew until it expressed itself at the April election by choosing John Collins and Daniel Owen to the two highest offices of the state.

The new party in power quickly proceeded to carry out its plan by passing an act calling for the emission of £100,000 of paper money which was to be apportioned to the people, bearing 4% interest and secured by mortgages on land.\(^9\) Matters continued from bad to worse. Force bills were passed, trade languished, many people suffered from lack of necessities. Although Providence, Bristol, Newport and other commercial towns worked to bring about a compromise, the Assembly continued to pass ruinous laws. The bitterness between the factions continued, kept alive not only by legislation, but also by addresses by Governor Collins, who denounced the commercial groups as a combination against the laws, lives, and liberty of the people.\(^10\) The extent to which this antipathy of the classes had gone is shown by the case of Trevett v. Weeden. When the judges declared the case “was not cognizable before them,” because the Legislature’s act to proceed in matters relating to paper money without a jury was held to be impossible of execution according to the law of the land, they were brought before the Legislature for trial. It was finally agreed that the judges had acted within their right and the Legislature had no power to question a decision of the Courts.\(^11\)

In December, a policy of repudiation was started;\(^12\) January, 1787, saw the repeal of the force bill; but March brought a withdrawal of Newport’s charter and a refusal to return to Massachusetts certain offenders in Shay’s Rebellion. While the hard money party worked to win the April, 1787, election, the states, which were about to make possible the Union, were hurl-

\(^{8}\)"Acts and Resolves of the General Assembly" (MS), Mar. 16 1786.
\(^{9}\)Ibid, May 3, 1786.
\(^{10}\)United States Chronicle, Sept. 7, 1786.
\(^{11}\)United States Chronicle, Nov. 9, 1786.
\(^{12}\)Rhode Island Colonial Records, X, 239.
ing insults at Rhode Island for her short sighted behavior. For a long time she was referred to as “Rogues Island” inhabited by “Know Ye” men whose acts were “Know Ye measures”.

About this time the *Connecticut Magazine* carried this poetical description:

> “Hail realm of rogues, renown’d for fraud and guile,  
> All hail, ye knav’ries of yon little isle.

> Each weekly print new lists of cheats proclaims,  
> Proud to enroll their knav’ries and their names;  
> The wiser race, the snares of law to shun,  
> Like Lot from Sodom, from R—e I——d run”.

Bates says, “allusions of this nature are to be found in almost every publication of the day.” By a series of acts all securities were ordered paid and the work of repudiation was almost completed by April, 1789. In October of that year the paper legal tender Act of May, 1786, was repealed, but real estate and some articles of personal property were still legal payments for debts. Resentment of the expressions of contempt heaped on Rhode Island and the suspicion of the commercial interests who desired a strong central government to protect their trade and secure credit, contributed powerfully to transform the agrarian party into an Anti-Federalist party by 1786.

Meanwhile, Virginia, in January, 1786, had suggested to the other states that they send delegates to meet at Annapolis with the delegates she had chosen for the purpose of talking over the subject of trade and recommending a plan to Congress for their mutual benefit. Less than one-half of the states responded

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15. F. G. Bates, “Rhode Island and the Formation of the Union,” *Columbia College Studies in History, Economics, and Public Law*, X, 143. I wish to acknowledge my indebtedness to Mr. Bates’s study which I have used as a basis and guide for this summary. Bates has given me a clue to a large number of my references, but in each case I have read the sources.
to this far sighted proposal from Virginia. One of Rhode Island's delegates, Mr. Jabez Bowen, started to the Convention but arrived too late.19

On February 21st, Congress gave its approval to the Annapolis suggestion by calling a convention to be held at Philadelphia in May, 1787. The convention was empowered to make plans which, when agreed to by Congress and the states, should "render the federal Constitution adequate to the exigencies of government and the preservation of the Union".20

President James Manning of Brown University and Mr. Nathan Miller of Bristol, the delegates to Congress, addressed a lengthy letter to Governor Collins on September 28, 1786, pointing out the desperate conditions of the states, as to commerce, credit, and prestige. They acquainted the governor of the fact that Congress now refused to receive state paper money in payment of debts and asked if this did not prove the paper money policy of the state a mistaken one. These men were so ashamed to hear the legislature "burlesqued and ridiculed" and so thoroughly convinced of the necessity of a powerful Union that they offered to resign if only Rhode Island would change her attitude and make possible a strong government.21 The message came at an inopportune time and could not be agreeable to the paper money legislature which had met at the special session called as a result of the Trevitt v. Weeden decision.22 The resolution of Congress of February 21, 1787, calling the convention, was taken up in the "repudiation" session in March. A motion to appoint delegates was negatived in the house by a twenty-three majority.23

The news of this vote called forth further denunciation. Madison wrote that the majority, "being conscious of the wick edness they are pursuing, . . . . are afraid of everything that may become a control of them."24 A writer from Salem, Massa-

19Arnold, op. cit., I, 524.
20Elliot's Debates on Federal Constitution, I, 155.
21Rhode Island Colonial Records, X, 222.
23Ibid, p. 572.
24Works of Madison, I, 286.
chusetts, recited the various actions of Rhode Island against the national welfare. He went on to say that before she should be allowed to block united action again she should “be dropped out of the Union or appropriated to the different states that surround her.”

The Newport Herald, edited by Peter Edes, which had been established on March 1, 1787, to combat the paper money party, took up the cudgels for the Federalists. A criticism of the action taken by the General Assembly in March was copied by a New York paper, The Daily Advertiser, with comments “insulting” to the state. The delegates from Rhode Island in Congress appealed to Governor Clinton to rebuke Francis Childs, the editor. The question came before the Legislature. Childs, in defense of his action, wrote another article, more cutting than the first. As libel was a matter for the Courts, the Assembly could not take it up. Rhode Islanders rallied against these external assaults with the natural, though harmful, result that the paper money party was strengthened at the town elections in May.

When the General Assembly convened that month another motion was made to elect delegates to go to Philadelphia. This time the Lower House concurred by a majority of two, but the Senate did not. In June the question of calling a Convention was voted on again and, strange to say, since the membership was the same as before, the position of the two houses was reversed. Again, no delegates could be sent. Throughout the course of the drawn-out struggle the Anti-Federalists championed the Articles of Confederation, which gave more power to the independent states, but the Federalists looked beyond to say that “common safety and the relation the part bears to the whole should have their due influence upon this occasion.”

The growing hostility of the other states finds expression in Washington's letter to David Stuart. He wrote: "Rhode Island,

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25 American Museum, I, 290.
26 Arnold, op. cit., I, 535-6. For letters to Governor Collins on this matter see Staples, op. cit., p. 578-81.
27 Ibid, p. 572.
28 Ibid.

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from our last accts. still perseveres in that impolitic, unjust, and one might add without much impropriety, scandalous conduct which seems to have marked all her public Councils of late." Bates has pointed out that some of these contemporary critics were mistaken as to the causes of the anti-Union movement and the groups behind it. He shows that Madison connected the commercial groups, who had voted against empowering Congress to lay duties in 1781 and 1783, with the recent actions, and recalls that on May 28th, a letter from "the merchants, tradesmen," of Providence was read to the Convention which approved its object and pledged the efforts of the towns people to secure the adoption of the Constitution by the State. General James Varnum, who had returned home from Congress, wrote the Convention that the measures passed by the Legislature were "reprobated and abhorred by gentlemen of the learned professions, by the mercantile body, and by most of the respectable farmers and mechanics. The majority of the administration is composed of a licentious number of men, destitute of education, and many of them void of principle."

During this time the Federal Convention was progressing with its work. The New Hampshire delegates did not take their seats until July which meant that during the early discussions two small states which inclined toward a states' right policy were absent. It so happened two parties had arisen in the Convention on just these lines. One group of six states desired a strong national government while the other, composed of five states, was contending for an amendment of the Articles of Confederation. Thus, indirectly, the mistaken Anti-Federalists of Rhode Island thwarted their own contentions and hastened the formation of a strong federal government.

Arthur St. Clair, President of Congress, wrote to Governor Collins in August asking why it was that his state, especially at this critical time, could not keep representatives in

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32 W. Updike, Memoirs of the Rhode Island Bar, p. 301.
33 M. Farrand, The Framing of the Constitution, p. 82.
Congress. After several votes the Legislature agreed to send representatives and a committee was appointed to draw up a letter to the President explaining their views on the matter. This letter was the first official defense of their narrow policy. It gave as reasons for the unwillingness to send delegates to the convention “the love of true constitutional liberty, and the fear we have of making innovations on the rights and liberties of the citizens at large.” It recalled that Rhode Island granted power to Congress to lay an impost, but that other states had defeated the measure. According to the laws of the state delegates to Congress were chosen by the freemen and the Legislature now gave that as an excuse for their not being able to appoint delegates to a convention, because they might dissolve the “Congress of the Union.” In closing: “We shall ever esteem it a pleasure to join our sister states, in being instrumental in whatever may be advantageous to the Union, and add strength and permanence thereto, upon constitutional principles”.35

Five delegates from Providence and four from Newport issued a protest which revealed the fallacy of the above reasoning and of the statements of practice. The Legislature had seen fit to appoint delegates to Congress at the beginning of the Revolution and recently to the Annapolis Convention. They pointed to the fact that the Articles of Confederation provided for alteration with the consent of Congress and of the legislatures of the states, and that the Legislature had constitutionally the power of sending delegates to Congress. The protest argued that the Legislature should admit the folly of its action and cooperate with the sister states because “our non-compliance hath been our highest imprudence”.36 Still the Anti-Federalist Pharaohs would not let delegates go to the Convention and the Federalists must suffer many more rebuffs before they could lead the state into a new nation.

On the 17th day of September the Federal Constitution was completed and adopted by the Philadelphia Convention. It was to be presented to Congress for its approval and then to be sent

34Staples, op. cit., p. 572-3.
35Rhode Island Colonial Records, X, 258.
36Rhode Island Colonial Records, X, 259.
to the states for ratification. The Federal Convention recommended that the Constitution be passed on by state conventions made up of delegates of the people especially chosen for this purpose, and the ratification by nine states should give Congress the power to put it into effect.\textsuperscript{37} Congress took immediate action and on September 28th unanimously voted to accept the report of the convention.\textsuperscript{38}

In a few months the states took up the question of ratification and made reports to Congress. Delaware, Pennsylvania, and New Jersey gave their consent by January, 1788. Early in that month Georgia and Connecticut moved to adopt and Massachusetts did the same on February 6th. Next came Maryland, then South Carolina, and because of the close struggle in Virginia, New Hampshire had the honor of being the ninth state to ratify. Virginia and New York gave their consent before Congress voted, on the 13th of September, 1788, to advise the states to appoint electors on the first Wednesday in January. These were to meet in February to elect a President and the fourth of March was to see the beginning of the Government.\textsuperscript{39} North Carolina, after an adjournment, voted for union on November 21, 1789.\textsuperscript{40}

The General Assembly of Rhode Island was one of the first to convene after the resolution of Congress was forwarded to the states. Instead of proceeding to call an election of members to a ratifying convention, as had been recommended, the Legislature agreed to have copies of the Constitution printed and distributed among the towns that the “freemen may have an opportunity of forming their sentiments”.\textsuperscript{41} This was the first denial of a convention and it was to be a long, uphill fight for the Federalists, by press, speech and letter, before they could bring about a reformation of opinion and a shifting of votes sufficient to overcome their opponents. The Antis were no doubt sincere and earnest, but it so happened that what they felt to be for the
best interests of their majority was in opposition to the better judgment in all of the states. Sharp remarks from outside the state and memorials and resolutions from within were not to be effective until the folly of their action was felt by themselves. Seven times they blocked resolutions to call a convention.

When the Assembly met in February, 1787, a motion was made to ask the freeholders to vote in town meeting on the question of calling a convention to pass on the Constitution. Another motion to call a convention was made, but both were negatived by a large majority. It is interesting to note that speeches for and against these motions were made by some of the future leaders of the Convention to be held at South Kingstown. These men included William Bradford of Bristol, Henry Marchant and George Champlin of Newport, Jabez Bowen of Providence, and their opponents Jonathan Hazard of South Kingstown and Job Comstock of East Greenwich. The Assembly passed a resolution declaring that they could not “make any innovation in a Constitution which has been agreed upon and the compact settled between the governors and the governed without the express assent of the people at large, by their own voices individually taken in town meetings assembled”. It declared that a yea and nay vote should be taken at such meetings and the town clerk should register the vote for and against the adoption of the Constitution. The Anti-Federalist majority who voted for this measure did not show by their action that they realized they were violating custom by using this method of calling the town meetings. Staples says that the General Assembly had as much power to recommend a convention as to call the town meetings. It was true that the Anti-Federalists were in a majority at this time but it was hoped by the Federalists that if a few representatives of both groups could meet together they might be able to come to an understanding which would prove agreeable to the people and provide admittance to the Union.

42 Bates, op. cit., p. 163.
43 Rhode Island Colonial Records, X, 271.
On the fourth Monday in March the vote on the Constitution was taken in the several towns and forwarded to the General Assembly at its meeting at East Greenwich. The committee, appointed to count the returns, declared there were 237 yeas and 2708 nays for adoption. In Newport there was recorded one yea and ten nays. Providence reported only one vote and it in the negative.5 What had happened? The minority had felt that the procedure was contrary to the spirit of the request from Congress and to the method they had recommended. To show their disapproval they had agreed not to vote.40 Bristol and Little Compton, however, had a majority for adoption and so expressed their opinion by voting.

The Federalists still hoped to get a convention called soon, and Newport, Providence, and Bristol instructed their delegates to work with that end in view.47 The Bristol petitioners wished a convention, “not only from that decent respect which is due to those who first recommend it, but we conceive it will afford the advocates and opponents of this new system of government an opportunity fully to examine and display all its excellencies and all its defects.”48 Similar was the argument of the people of Providence who felt that the commercial and agricultural relations of Rhode Island with the other states should be discussed candidly by both groups with the hope of reaching a compromise. They pointed out that amendments could yet be proposed which would be agreeable to both parties, but they were to be disappointed again for the General Assembly voted by a twenty-seven majority, or only three less than the preceding vote, not to call a convention.49 The Assembly’s report to Congress of the vote included a weak defense of this action. One advance was made: the report admitted that the Articles of Confederation were inadequate. But no constructive suggestions were made for changing the unhappy situation. They merely reiterated

45Rhode Island Colonial Records, X, 275.
46Arnold, op. cit., I, 542.
48Ibid.
49Providence Gazette, March 29, 1788.
their willingness to abide by amendments which made for a uniform system of trade regulations "whereby Congress might establish funds for discharging the public debt". It would seem that these men failed to comprehend the significance of the Federal Union which was about to be formed without them.

When the Federalists arranged their ticket for the April election the nominations were unfortunate selections, and the party was split over personalities. This made it easier for the Antis to retain their large majority. A proof of this set-back is shown by the absence of any action in regard to ratification in either the May or June sessions.

The feeling in the northern part of Rhode Island is portrayed by Providence's attempted celebration of the advent of New Hampshire into the Union. On June 24, 1788, church bells proclaimed the good news, the school children received a holiday, cannons were fired and Brown University staged a parade. On the 27th at a public meeting, the townspeople voted to combine the celebration of Independence Day and the "adoption of the Federal Constitution by nine states". A general invitation was sent to town and country to join in the celebration, which was to take place on the plain above the Cove. Special invitations were sent to various notables of the state, including the Governor. The Anti-Federalists took this as "a public insult upon the legislative authority" and they thought it a trick to get the country and town together at a social gathering which would be interpreted abroad as a rapprochement of these interests in favor of the Constitution. "The country was aroused with indignation and resentment against the artful and designing few."

When the Fourth came the Providence folk turned out to the tune of cannon and bells and went to hear an address by Rev. Hitchcock at the First Baptist Meeting House. After the meeting the people repaired to Federal Plain, where the smell of roasted ox meat foretold the celebration. But the country came

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50 Rhode Island Colonial Records, X, 291.
51 Letter of William Channing to Theodore Foster April 12, 1788. "Foster Correspondence" (MS) in Rhode Island Historical Society.
52 This account is taken from the Providence newspapers of the time.
armed; and to prevent probable trouble it was agreed by two committees, one chosen to represent each side, that the celebration might proceed if no mention was made of the Constitution, and if they agreed to celebrate only the independence of the states. Neither the Governor nor the Deputy-Governor took charge of the radicals, much to the disappointment of the country folk, who either returned home or made the best of an embarrassing situation by joining with their hosts. The people of East Greenwich and Wickford were not forced to submit to any restrictions so they toasted what they pleased, including “The Newport Herald” and “The Three We Hope Will Join.”

Providence’s pledge of good behavior was only for one day; so when she heard, next day, of Virginia’s adoption her people proceeded to fire ten cannon. When the good news came from New York eleven flags (for the eleven states which had joined) made their appearance on Weybosset Bridge. Another flag set at an angle of thirty degrees with the motto “It will Rise” stood for North Carolina, while a bare pole at forty-five degrees carried the notice: “Rhode Island in Hopes.”

Before the General Assembly convened in October Congress had taken steps to put the Constitution into effect. The session which inaugurated a series of negative votes was held at Providence. Peleg Arnold came home to urge a convention, but to no avail. The motion was defeated 40 to 14. At this meeting it was voted that copies of the amendments proposed by New York be distributed and town meetings be held to decide if delegates should be appointed to meet the other states in a convention to consider all amendments proposed by the states. When the General Assembly met in December, eight towns were willing to have a general convention, five wanted a state convention to pass on the Constitution, and the rest declined to give any instructions. The deputies then voted 44 to 12 against calling

53 Providence Gazette, August 2, 1788.
54 Arnold, op. cit., I, 549.
55 Rhode Island Colonial Records, X, 309.
56 Staples, op. cit., p. 618.
a convention. When the motion was repeated in March, 1789, it met a similar fate.

The April election came and went with the Anti-Federalists and Governor Collins still in power. Meanwhile, Congress proceeded to organize a revenue system which should aid the payment of the Continental debt. Rhode Island would not be able to benefit from this procedure, and the commercial interests, who must come in contact with these laws, were the first to realize their significance. About five hundred citizens of Providence presented a petition to the General Assembly, in May, setting forth what they knew to be the best interests of the whole state, and which they claimed were not issued for party gain. It pointed to the decline of trade, the idleness of tradesmen, mechanics and laborers, and the migration of the young men to the new West. The petition claimed such matters would be remedied if the state came under the sphere of Congressional action, but now they were to be treated as foreigners which would make trade with other states impossible on account of the duties they expected to be passed. Rhode Island could not "possibly exist as an independent state, unless united" in the Union. The vote to call a state convention was put off until June, when it failed by a smaller majority.

In May, 1789, the Assembly had passed a law which made possible the collection of "sundry duties and imports" equal to those which Congress might pass and provided that payment be made in the same medium as she prescribed. This would really be more harmful to the importers, because, as Arnold points out, a large amount of their imports were later sold in the other states which meant they would have double duties to pay. An Act, passed in June, forbidding the export of wheat, rye, Indian corn, or barley shows more clearly the weakening of the Antis.

57Ibid.
58Ibid.
59United States Chronicle, June 25, 1789.
60Rhode Island Colonial Records, X, 331.
62Rhode Island Colonial Records, X, 332.
Congress was in a quandary to know just how to deal with North Carolina and Rhode Island in the matter of duties on foreign importation. When Mr. Benson of New York suggested on June 5, 1789, that Congress inform Rhode Island of their desire that she call a convention, Mr. Page of Virginia objected on the grounds of propriety. Fisher Ames of Massachusetts was very bitter in his denunciation because he did not think the state would join the Union of its own free will and therefore, because of her location, which made smuggling easy, she must be forced to join. The motion was voted down, and when the revenue act was passed it showed that the two independent states were expected to join the Union soon. This act provided that domestic products of Rhode Island and North Carolina could still come into the United States free of duty.

The General Assembly in September passed a revenue act which incorporated the provisions of the act of Congress. In addition to this, a memorial was addressed to the President and Congress stating the distress of the state, which they claimed was due largely to the failure of the monied interests to support their paper money policy. After recounting their allegiance to the principles of democracy, they declared against the rule by nine states and expressed the hope that trade might continue free and unhindered between them that they might be able to pay their share of the joint debt as it fell due. Before this communication reached New York the desired act which suspended until January 15, 1790 the impost collections in the case of Rhode Island and North Carolina, except on rum, loose sugar, and chocolate of domestic manufacture, had been approved by Congress.

The most significant evidence of a new attitude was “An Act in Relation to a Convention in this State” passed at this same session. While maintaining that the Legislature had the power only to administer the existing Constitution and that the full

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64 Annals of Congress, II, 2179.
65 Rhode Island Colonial Records, X, 340.
power of adopting or rejecting the Federal Constitution lay with the people, yet, to overcome “grievous complaints” that there had been no convention, it provided that the freemen in town meetings should instruct their representatives of their wishes in order that the Assembly might know how to proceed at the next session. This action shows clearly that the Anti-Federalists were weakening and had almost exhausted their power to find means to escape the effects of their money policy, the labors of the Federalists, and the pressure of outside public opinion. At the adjourned meeting in early October it was voted to print one hundred and fifty copies of the twelve amendments recommended by Congress for distribution among the towns.68 One might think that the political game was over, but at the regular session when new representatives were present the vote for a Convention stood 17 for and 39 against—the seventh refusal.

Before the next session convened, Rhode Island found herself in an embarrassing situation; she was the only state outside the Union. Monday, January 11, 1790, the General Assembly met and proceeded to go through a program of regular business. When Friday came Benjamin Bourne entered a motion to call a convention. Then the final struggle began in earnest. In the afternoon the House agreed, 34 to 29, to call a convention. The Senate put their vote off until the next day when the Deputy-Governor and four senators voted against the motion and four senators gave assent. During this time the House was considering a bill, drawn up by the Senate on Friday, requesting the freemen in town meeting to instruct their Deputies whether a convention should be called or not. This was voted down by a fourteen majority. The vote (it was then after ten P. M.) against a convention had been so close that it was agreed to meet on Sunday.69

That morning many people went to the State House who were accustomed to attend church. Henry Marchant, of Newport, proceeded at once to introduce a bill to call a convention, which

68Ibid, p. 358.
69United States Chronicle, January 21, 1790.
now passed 32 to 11. Deputy-Governor Owen had a bill passed by the Senate which was very much like the one passed on Friday. The House voted it down and Marchant's bill came to the Senate. At noon the vote was taken and four senators voted to concur; Deputy-Governor Owen and three Senators voted no. A story is told that the absent Senator was a preacher and he felt his time belonged to his flock. Nevertheless, the bill was presented to Governor Collins, who realized the importance of the situation and gave his vote in the affirmative.\textsuperscript{70} Congress was at once notified of this action and on the twenty-eighth of February she again suspended the revenue law, which was now in force, until the "first day of April and no longer".\textsuperscript{71}

Marchant's bill provided for the election of delegates from the towns who should assemble at the State House in South Kingstown on the first Monday in March. With the Anti-Federalist party still in power it was to be no easy thing to swing the convention to adopt the Constitution. Each of the towns held meetings and chose their delegates. Richmond, an inland town, instructed her representatives to consider the Constitution, draw up amendments and adjourn for future action.\textsuperscript{72} Portsmouth, her harbor filled with idle vessels, recommended her situation for the consideration of the Convention and sent instructions to adopt the Constitution.\textsuperscript{73}

At three o'clock in the afternoon of March first all seventy of the delegates met at South Kingstown. Forty-two of this group were members of the January Legislature, four had been Deputy-Governors of the State and five had been elected delegates to the Continental Congress.\textsuperscript{74} The Antis, who had about ten\textsuperscript{75}

\textsuperscript{70}Providence Gazette, January 23, 1790.  
\textsuperscript{71}Annals of Congress, II, 2202.  
\textsuperscript{72}"Papers Relating to the Adoption of the Constitution," p. 99.  
\textsuperscript{73}\textit{Ibid}, p. 95.  
\textsuperscript{74}\textit{Ibid}, op. cit., p. 634.  
\textsuperscript{75}Henry Marchant, about fifteen days before, prophesied the outcome of the South Kingstown Convention. "The Election of Delegates for the Convention has gone unfavorably. The Antis are about ten majority. I have Hopes however they will not totally reject the Constitution but I think they may adjourn it over our Genl. Election." Henry Marchant to William Marchant, Newport, February 15, 1790. (From Marchant letters in private possession.)
majority won the first move by electing Deputy-Governor Owen president and Daniel Updike secretary. After a committee had been appointed to draw up “Rules and Orders” to govern the conduct of the meeting, it was adjourned until Tuesday morning. With their veteran leader in the chair, the floor work of the Antis was to be carried on vigorously by Joseph Stanton, Job Comstock, and Jonathan Hazard, who was now the main support. Mr. Stanton, well educated and a holder of large estates, was a man of note and influence residing at Charlestown, a stronghold of the Anti-Federalists. He had served in the Revolution under William Barton and, although he never saw fit to vote for the Constitution, he was so well thought of by the freemen of the state that he was chosen with Theodore Foster as one of the first United States Senators. Job Comstock, of East Greenwich, was careful to see that the “Rules and Orders” would allow no advantage to his opponents. While he was not a militant anti-slavery man he contended for a statement condemning the trade. He argued that the amendments and bill of rights, which the Convention committee had drawn up, should be referred directly to the people. He maintained that seventy men could not commit the state to the Constitution; so he favored adjournment, and at Newport voted against the adoption. Jonathan Hazard had earned the name of “Beau Jonathan” because of his fondness for dress and courtly manners. An advocate of independence, a Deputy in the General Assembly, and a member of the Confederation Congress, he had gained the respect of the people. He was an able politician and debater, and had been successful against the hard money party in 1786 when he claimed that the merchants sent specie abroad to pay for manufactures bought from the late enemy. At the convention he is said to have held an informal vote and found that the Antis had a majority of 17 against adoption; but as they were afraid to risk a vote on the question of adoption with amendments, they passed the vote to adjourn. Before the Newport Convention, for some reason or other, he changed his attitude and voted for the Constitution. This was a great blow to the Antis, and he lost the confidence and good-will of his party.
In opposition to this group, the Federalists had capable leaders in Henry Marchant of Newport, Benjamin Bourne of Providence, and William Bradford of Bristol. Mr. Bradford was once a surgeon, but he had given up his profession to practice law, which he did to great advantage. He had been a member of the Committee of Correspondence; during the attack on Bristol, in 1775, he had risked his life to go aboard the *Rose* to induce Captain Wallace to stop the assault. Though against slavery, he sought to show that the Constitution had been agreed upon only after great difficulty and that Rhode Island should accept the slave-trade compromise. When the motion for adjournment had passed he tried to have another convention called for the last of the month. Mr. Marchant had studied at the College of Philadelphia. After finishing his legal training under Judge Trowbridge in Cambridge, “the most profound common lawyer of New England before the Revolution”, he pursued his profession in Newport. He had fought against the encroachments of Parliament and, in 1771, when Attorney-General of the colony, he went to England as an agent and made many acquaintances among the English friends of America. An active man in Congress and signer of the Articles of Confederation, he went to the Convention determined to get the Constitution adopted. Through his broader knowledge he was able to give a fairer interpretation of the Southern States and he eloquently urged that Rhode Island take her place in the Union. His long and earnest speeches were matched only by those of Mr. Bourne. Bourne was also a lawyer and worthy of the confidence given him by his townsmen. It was he who had presented the bill which had made the Convention possible. After the Newport Convention he was honored with the office of Representative in Congress.

As the minutes of the Convention follow this historical sketch only a very brief summary of the South Kingstown session is necessary. The Constitution and related documents were discussed; further amendments and a bill of rights proposed. Most

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of the discussion centered around representation, taxation, the slave-trade, and the method of adopting future amendments. On Friday, Mr. Bradford moved to accept the Bill of Rights but John Williams, from Foster, moved that it be sent to the people. During the discussion which followed Elisha Brown, of North Providence, moved to adjourn. When the House met again an argument ensued as to whether the Bill of Rights had been adopted or not. Mr. Bourne objected to its being entered in the minutes that it was received without the Amendments. Mr. Comstock moved to adjourn to a future day. In a long speech Mr. Bourne claimed that the Convention had no power to adjourn until they had voted to adopt or reject the Constitution. But the Antis held their ground and secured a 41 to 28 vote for adjournment. The Federalists were also defeated on a motion to meet again the last Monday in March. It was then decided to meet May 24, by a vote of 36 to 32; at Newport, by 35 to 34.

The Federalists were disappointed that they had not been able to swing the Convention, but they saw that Governor Collins was now in disfavor with his party. They realized the weakening position of the Anti-Federalists as evidenced by their unwillingness to risk a vote for adoption with amendments. Newport united with Providence to secure a coalition ticket with Arthur Fenner and Samuel Potter for Governor and Deputy-Governor respectively. The Antis held their meeting at South Kings-town and also chose Arthur Fenner and Samuel Potter, but they nominated a straight ticket which included six of the present assistants. The United States Chronicle on April 15th carried an article condemning the coalition as a trick of the mercantile interests, but the Federalists pointed out that the relationship of country and town was one of interdependence and that the best interests of the whole state had motivated their action. Again the Federalists were defeated; the country still had a majority.

The hostility of the sister states toward the policy of Rhode

77 Providence Gazette, April 10, 1790.
78 Ibid; Rhode Island Colonial Records, X, 324, 375.
79 Providence Gazette, April 17, 1790.
80 Providence Gazette, April 24, 1790.
Island now came to a climax in Congress. The struggle over the location of the Capitol and the question of the assumption of state debts, which was causing much anxiety to Pennsylvania, Virginia, and Massachusetts, was at a standstill. The North especially, led by Massachusetts, felt that Rhode Island must be forced into the Union. On May 11th, a committee, consisting of Messrs. Conall, Ellsworth, Morris, Izard, and Butler, brought in a bill which resolved: "That all commercial intercourse between the United States and the State of Rhode Island, from and after the first of July next, be prohibited under suitable penalties, and that the President of the United States be authorized to demand of the State of Rhode Island dollars, to be paid into the Treasury of the United States by the day of next; which shall be credited to the said State."

The committee prepared a bill and three times it was read and recommitted. Maclay and Gunn opposed the measure while Ellsworth and King were its ardent supporters. It was admitted that the action was intended to force ratification. Reports of these proceedings were thought to be untrue, but soon it was known that such a resolution was actually before Congress. In view of this aggressive spirit of the states and of the Federalist agitation there is little wonder that the Anti-Federalists resorted to Fabian tactics. It was not until the twenty-sixth that a quorum gathered at Newport.

The plight of the commercial classes again encouraged them to make use of the doctrine of natural rights, so short a time before given as a cause for our separation from Great Britain. At Providence freemen in town-meeting on May 24th declared: "That it is our opinion, that, on the rejection of the Constitution or further delay of a decision thereon, the respective towns of the State have right to make application to the Congress of the United States, for the same privileges and protection which are afforded to the towns under their jurisdiction." In sub-

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82 E. S. Maclay, Journal of William Maclay, p. 263.
83 Providence Gazette, May 15, 27, 1790.
84 Ibid, March 29, 1790.
85 Staples, op. cit., p. 666.
stance, they declared that any town or section of the state had a right to express its own will as to its political future, even if it meant a complete breakup of the state itself. This action reminds one of West Virginia which chose to stay in the Union while the larger part of the mother state tried to break away.

When the Convention finally got under way the Federalists entered a motion to adopt the Constitution, with the Bill of Rights and the Amendments agreed upon at South Kingstown, but the Anti-Federalists moved to adjourn. President Owen decided this motion was in order, but on the vote the motion failed to pass by a majority of nine. It was agreed to empower the committee which had served at South Kingstown to prepare additional amendments. The Newport Herald which came out on Thursday stated that “Adopt or Reject, that is the question. Whether it is better, to make one Star in the bright Constellation, and reciprocate light, or like a small meteor, blaze but a moment, and then go to that Bourn, from whence nations, as well as travelers ne’er return”.88

When the meeting convened on Thursday, the committee on amendments made its report and it was agreed to adopt the following in addition to those already agreed to: “That the state Legislatures have power to recall when they think it expedient, their federal senators and send others in their stead”.89 In the afternoon, another committee, composed of two delegates from each county, was chosen to draw up further amendments and also for the “filling up and completing the bill ratifying the form of the adoption of the Federal Constitution”.90

On Friday, the committee’s report was read and received. Three additional amendments included (1) Congress should have the power to settle the poor uniformly throughout the states, (2) Congress should not establish any company with exclusive advantages to commerce, (3) that, if two members of

86United States Chronicle, June 3, 1790.
87Daniel Updike’s Minutes of the Convention.
88The Newport Herald, May 27, 1790.
89Updike’s Minutes of the Convention.
90Ibid.
Congress desired an aye and nay vote, they should be entered on the journals of the respective houses. The committee also suggested that the eighteenth amendment agreed upon at South Kingstown should be expunged, and in its place they suggested the Convention consent to the amendments proposed by Congress with the exception of the second article. These should be taken up by the state Legislature, "pursuant to the fifth article of the Constitution". A form of ratification was also presented for consideration. Until about five o'clock the Constitution was debated pro and con, and then one of the Portsmouth delegates asked to be allowed to go home for further instructions. A majority of eight voted to allow him to go to his constituents.

From these various notes it can be seen that a great change had been effected since the March Convention. Jonathan Hazard had relinquished his place as leader of the opposition. When the Convention met again at 3 o'clock Saturday afternoon, the delegates from Portsmouth had received still more explicit instructions to vote for adoption. After further debate, Mr. Bourne put the "grand question of adopting or rejecting the federal government" and Mr. Bowen seconded his motion. This was done about twenty minutes past five and when the vote was counted it stood thirty-four for adoption and thirty-two opposed. The formal bill ratifying the Constitution, along with their Bill of Rights and Amendments was agreed upon, and a letter telling the good news was dispatched to President Washington. The Convention also recommended that the Legislature of the State give its ratification to all the Amendments proposed by Congress except the second.

The feeling of the Federalists is expressed in Mr. Marchant's letter to his daughter, Sarah. He wrote: "I sincerely congratulate my dear Child upon the Adoption of the Constitution. We had an anxious arduous & distressing week. Nor were we much

91Ibid.
92United States Chronicle, June 3, 1790.
93Ibid.
94Updike's Minutes of the Convention.
encouraged in Success till within a few Hours of the Questions being taken. For when we met at the beginning of the Week they were twelve Majority against Us as soon as Question had been taken. But two Members of the whole Convention were absent and those on Our Side. Let Heaven be Praised and We with grateful Hearts make a prudent & wise Use of this Blessing.”

Rhode Island was at last joined again, in a more perfect Union, with her sister states. Considering the long delay, the hardships and misunderstandings of the people, there is interest in the following contemporary description of the twenty-ninth day of May:

“To the world this day will be memorable, as it is an instance unparalleled in ancient or modern times, of a people arising from a state of anarchy, to liberty and order, without the horror of a civil war, and forming a government not by public faction nor private ambition, but by a liberal and intelligent investigation.”

In editing the Foster Minutes care has been taken to preserve original spelling and punctuation with the following exceptions. In the case of abbreviations it has been necessary to bring all superior letters into line with the rest of the word. Only such letters have been supplied as would clarify the sense. Periods have been substituted for dashes at the ends of sentences, but elsewhere dashes are preserved. Where sentences break off abruptly at the end of a paragraph no punctuation was supplied. For convenience the names of speakers have been set in capitals. The pagination of the manuscript is denoted by numbers in parentheses.

95 Henry Marchant to Sarah Marchant, Newport, June 9, 1790. (From Marchant letters in private possession.)
96 The Newport Herald, June 3, 1790.

The names of the voters for adjournment and for adoption are printed in Staples, op. cit., p. 659, 672.
This book would be incomplete without a word of gratitude to those benefactors of Brown University who have made it possible, by means of the University Junior Fellowships and Marston Scholarships, for several students of Baylor University to pursue their studies at Brown during the past quarter century. It is hoped that this publication will be one way of showing that their gifts are not in vain.

I wish to take this opportunity to express my appreciation to Professor Verner W. Crane, under whose supervision this work is edited, for his time, encouragement, and for assistance with the proof. Mr. Howard M. Chapin, Librarian of the Society, has also shown a keen interest, giving many helpful suggestions in regard to the biographical notes and to the authorship of the manuscript.

ROBERT C. COTNER

Providence, June 15, 1929
THE

MINUTES

OF THE

CONVENTION
DELEGATES PRESENT

Newport
George Hazard, Esq.
Henry Marchant, Esq.
George Champlin, Esq.
Peleg Clarke
Mr. William Tripp
George Sears, Esq.

Providence
Jabez Bowen, Esq.
Benjamin Bourn, Esq.
Col. William Barton
John I. Clark, Esq.

Portsmouth
Mr. Burrington Anthony
Mr. Job Durfee
Mr. Giles Slocum
Mr. Peter Barker

Warwick
Thomas Rice, Esq.
Mr. Gideon Arnold
Mr. Benjamin Arnold, Junr.
Mr. Christopher Greene, Junr.

Westerly
Mr. Walter White
Mr. George Stillman

North Kingstown
William Congdon, Esq.
Bowen Card, Esq.

South Kingstown
Samuel J. Potter, Esq.
Jonathan J. Hazard, Esq.

East Greenwich
Mr. Pardon Mawney
Job Comstock, Esq.

Jamestown
Capt. Benjamin Remington
Mr. Nicholas Carr

Smithfield
John Sayles, Esq.
Andrew Waterman, Esq.

Scituate
Capt. James Aldrich
Mr. Nathan Bates

Glocester
HON. Daniel Owen, Esq.
Stephen Steere, Esq.

Charlestown
Thomas Hoxsie, Esq.
Joseph Stanton, Junr., Esq.

West Greenwich
Mr. William Matthewson
William Nichols, Esq.

Coventry
Benjamin Arnold, Esq.
Lieut. Job Greene

Exeter
Mr. Joseph Reynolds
Capt. Job Willcox

Middletown
John Barker, Esq.
Mr. William Peckham, Junr.

Bristol
William Bradford, Esq.
Shearjashub Bourne, Esq.

*As listed in the Journal of the Proceedings kept by the Hon. Daniel Updike, the regularly elected secretary of the Convention. Daniel Updike studied law under the direction of James M. Varnum. From 1784-1795 he practiced his profession in Washington County and represented North Kingstown in the General Assembly for several sessions. He owned one of the best private libraries in the State.

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<td>Capt. William Ladd</td>
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<td>Samuel Allen, Esq.</td>
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Monday March 1st 1790.

The Convention met at the State House in the County of Washington at 3 o'clock in the Afternoon.

Tuesday Morning—The House assembled and called.

Mr. Marchant from the Committee appointd to [draw] up Rules made Report. The Sixth Rule objected to by Job Comstock as not being sufficiently explicet. Supportd in the objection

2 The Convention was held at the town of South Kingstown. The Journal by Daniel Updike reads: The Honle Danl Owen, Esq., Chosen President, Dl. Updike, Secty.
Vote of this House Appointing Mr. Henry Marchant, Mr. Andrew Waterman, Mr. Jona. J. Hazard, Mr. Job Comstock & Mr. Saml Allen, a committee to prepare and report Rules and Orders for the governt of this Convention.
Voted to adjourn till tomorrow morning, at 9 o'clock.

3 Rules and Orders of the Convention of the State of Rhode Island & held at South Kingstown, in the county of Washington, in this said State on the first Monday of March, A. D. 1790, agreeable to an Act of the Genl Assembly, at their session in January last, for taking into consideration the Constitution of the United States of America and deciding thereon.

1. Every member shall give his Attendance at the times at which said Convention shall be adjourned, and shall not absent himself without leave of the President.
2. Any member when called shall ans[we]r in his place.
3. A Member desiring to speak shall arise in his place and first address himself to the President for leave to speak.
4. No Member shall interrupt another Member while speaking unless it be to call the Member to Order; in which case, the question of order shall first be determined by the President, or by the House, if insisted on by Two Members.
5. No member shall speak more than Twice in a Debate previous to any other Member who shall be desirous to speak, and who has not before spoken Twice.
6. When a Question shall have been Properly Moved and Seconded: upon the Close of a debate thereon, Such Question shall be put by the President in such words as shall properly convey the Meaning of the Motion; the above, however, not to Preclude the Previous Question.

The above Rules and Orders were reported by the Chairman of the Committee, and upon their being read in Convention, the following addition was made to the 6th Article, upon the Motion of Mr. Comstock, viz. Especially if any Motion be made during the Arguments for the amendment of the Constitution, or for an adjournment of this Convention, the same shall be determined before the grand Question for the Adoption or rejection of the Constitution shall take place in this Convention. Quoted from the Journal.

[33]
by Mr. Jonathan Hazzard. **Mr. Champlin**⁴ says he does not consider that there is not any material Difference in the Report and the amendmt proposd—explains the Nature of the Term “Previous Question”—says the Gentleman is alarmed without Cause.

**John Sayles**⁵ will observe one Thing. It is confessed by both the worthy Members that the Report and the Amendmt mean the same Thing. He does not think so [2] that the Amendmt is most Clear and is for adopting it.

**Mr. Bourne** says That the Report is best because it allows the whole Business to be taken up at large. That the Amendmt will confine the House to the Two particul[a]r Questions mentiond in the Amendt.

**J. Hazzard.** did not intend to say anything on the Mater. That the Gentle[men] both Mean the same thing. That he does not suppose the Gentlemen advoc[a]ting the Report will depart from what they profess.

**B. Bourne** calls for Reading the Amendt proposed by J. Comstoc[k], confirms what he had said.

**And. Waterman**⁶ There has been much said about the Previous Question: That if a Motion is made to Postpone or adopt there can be no previous Question.

**J. Hazzard** explains the Nature of the Previous Question.

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⁴George Champlin, brother of Christopher and Robert, all residing in Newport, became early in life an enterprising ship master. In 1775, he was a Lieutenant-Colonel of the First Regiment of Militia, and in 1785 he served in the Continental Congress. Very active in public life, and for sixteen years member of the State Legislature, he continued to carry on extensive commercial relations in many parts of the world. He was president of the Bank of Rhode Island and a consistent worker for union with the other states. The biographical materials for this and other notes are taken largely from *Rhode Island Genealogy-Biography, Biographical Cyclopedia of Rhode Island,* and family genealogies.

⁵John Sayles of Smithfield voted against the Constitution every time he had an opportunity. As an anti-slavery man his name appears on the roll of the “Providence Society for promoting the abolition of Slavery” as incorporated by the General Assembly in 1790. On July 4, 1788, during the trouble between the people of Providence and the country people over the celebration of independence and the ratification of the Constitution by New Hampshire, he served on the committee which represented the country. During the present meeting he served on the committee to draft amendments.

⁶Andrew Waterman was also of Smithfield and a member of the country committee at the July 4th celebration. At the convention he was at first active, but then took little part until on the last day he made the motion to adjourn until the 24th of May. He voted against adoption.
AND. WATERMAN mentions the famous Dispute on the Proceedings at the last Sess[ion].

B. BOURN. says We have a Right to adopt the Rules of the House.


ELISHA BROWN moves that the Amendmt be added: That the Pres[i]d[ent] has a Right to determine.

MR. MARCHAN says Mr. Comstock has observed that from the Expression adopting the Rule of the Lower [House] will preclude what was intendd to be remi[di]ed—has known as many as 8 or 10 Previous Questions put in Congress for maturing and Resuming the Business. The Report is agreeable to parliamentary Procedings.

ANDREW. WATERMAN

J. HAZZARD has known That in Congress There was a Question in Congress where the Seat of Congress should be

WM: CONGDON What need of all this Contention if both mean the same Thing. Let us adopt the Amendt.

Report and Amendment both Read.

[4] GEO. HAZZARD We may lead ourselves into an Error. That the Report is more extensive than the Amendt. That the Ament. is confin[in]g the Business to Two Motions. Why shou[l]d we thus fetter ourselves—is sorry to see publick Acts

7After various proposals from both houses, the January Assembly had voted to call a convention.

6Elisha Brown was a man of ability and enterprise. At one time he was the holder of much property, but later business reverses caused the loss of most of it. Although 74 years of age when he attended the convention, he was an active opponent of the Federalists and the slave trade, lamenting the fact that a number of attorneys seemed to stand for it. For many years he had served in the General Assembly and was on the side of Governor Ward in the Ward-Hopkins controversy.

9William Congdon was an Anti-Federalist Senator from North Kingstown.

10After the repeal of the Stamp Act, George Hazard served on a committee to prepare an address of thanks to George III for giving his royal consent. He was a Deputy from Newport for over thirty years; for twelve years Chief Justice of the Court of Common Pleas for Newport County, and first Mayor under the new charter of 1784. He was engaged in mercantile affairs until his death in 1797.
made for particular purposes—wishes The Laws may like the sun shine on all—can see no Reason for making an Am[end-
ment] Confin[in]g ourselves.

J. Comstock. says he made the Draft/of this Rule/before Mr. Marchant inserted any thing respecting it. move[s] the Word Especially be inserted in the room of

Gen. Stanton we cannot be too expicit. Supposed at the End of the Week There should be a Question whether there should be a Question Adopt or adjourn—Can the President then dispose of putting the Question.

President. explains how he understands the Report.

Pardon Mawney\textsuperscript{11} moves again for an adoption of the Amendt.

President[ent] about to the put the Vote when Mr. Sheldon moved to know what Rules of the Lower House are intended.

Mr. Marcht. explains. Notes &c on the Table.

[5] Sheldon\textsuperscript{12} moves that the por[tion] of the Report respecting the Rules and orders of the Lower House be struck out—agreed to by the House—Struck out.

The Rules read again.

J. Comstock Mill[er]\textsuperscript{13} moves That his Ament be added.

\textsuperscript{11}Pardon Mawney was a native of Providence, but moved to East Greenwich to take up land left him by his grandfather. While in Boston in 1765 he witnessed the sacking of Governor Hutchinson’s house, rescuing a pack of cards which he found in the articles thrown out the window. He married Experience, daughter of Caleb Gardner of South Kingstown. Linked with the Anti-Federalists, he made a good partner for Job Comstock.

\textsuperscript{12}James Sheldon, a Deputy from Richmond, was held in high regard by the Anti-Federalists. In 1788 he served on a committee “to call upon and adjust the accounts of the collectors of impost” for Washington County, and, in 1789, he was appointed to collect money due on the interest bonds falling due that year.

\textsuperscript{13}General Nathan Miller (1743-May 20, 1790) after servnig under Commodore Esek Hopkins and General J. M. Varnum, became Brigadier General in charge of Newport in 1781. Along with President James Manning of Brown University, he was elected in 1786 to represent Rhode Island in the Continental Congress, but he was late due to lack of money in the State treasury. Neither he nor George Champlin attended the next Congress, largely due to the dilatoriness of the General Assembly. He appears not to have voted on the adoption of the Constitution in March, 1788, as was the case with so many friends of the Constitution. He was an earnest advocate for the adoption of the Constitution and somewhat pro-slavery in sentiment. He was unable to see the results of the May Convention, as he died on May 20th, nine days before ratification.
Says He That makes the Law his Rule May bend it like a Leaden Tool. That Disputes may arise. To av[o]id them adopt.

PARDON MAWNEY Seconds him.

Conversation Elisha Brown &c.

J. Comstock. Is not so apt to see sights as to suppose a Lyon in the Way—But there has been so much said he is still further induced to wish the Amendts may be adopted.

J. Hazzard Gives the History of the Dispute between Mr. Marcht and Comstock, all Three of them having been on the Committee—conclud[e]s that both mean the same Thing.

Mr. Comstock makes an Amendt.

B. Bourne again objects to the Amendt.

Gov[erno]r Bradford. Suppose J. Comstock moves imme-diately on the Rules being adopted That We adjourn and Govr. Bradford move[s] that We adopt—can the Question can [sic] be put.

President says he should not be at Liberty to give the Vote for the Adoption.

J. Comstock. Fair Play is a Jewel. He wants no Advantage.

Mr. March[t] Will one man explain the Nature of the Previous Question. The Gent. mistakes the Previous Question for the Main Question. Goes at large [6] into the Nature of it by illustrations.

J. Comstock is not fond of being afraid—but they will force him to be afraid. He is more zealous than ever for adopting the Amendmt.

Mr. Champlin—Enquires whether the Adoption of the Amendment will not preclude those who wish the Main Question to be put.

President says If there are any Rules & orders Mr Comstock has said enough.

Comstock however goes on to enlarge. He wants not to trick any Body. Wishes to act agreeable to the Wishes of the People. The Voice of the People is the Voice of God. If it was the best Constitution it would be a bad one if disagreeable to the Minds of the People, and he will not agree to it till the Minds of the People are reconciled to it.
Gen. Stanton thanks the President for having the patience to hear Mr. Comstock.

Mr. Bourne says. That if a Motion is made and seconded it is inconsistent with Rule That any Previous Question should be made.

Jon. Hazzard answers Bourne.

Ad[op]t 39

Not 27

Twelve Majority for the Adoption.

Mr. John Williams moves that the Vote be now finished.

John Sayles says he has a Motion in writing.


Motion agreed to.

Monitors. Mr. Bates, Col. Barton.

[7] Mr. Sayles moves That a Committee be appointed to draw up a Bill of Rights and Admendmts and that this Convention be adjourned—to a future day.

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14 John Williams was several times Senator and Deputy from Foster. Feeling that the majority of the people were opposed to adoption, he expressed his willingness to see the other side and appreciated their frankness, but he felt it his duty to push an adjournment. He voted against the adoption at Newport.

15 William Barton had been a hatter until he entered the Revolutionary army. He was able to keep communication open to Newport, and in 1777 he succeeded in capturing General Prescott on Rhode Island from amidst the unsuspecting army. He later represented Providence in the General Assembly, and held an office in the custom house. About fifteen years before his death he became involved in a lawsuit over a township he had bought in Vermont. The whole cost being placed on him, he refused to pay as a matter of principle, and was confined to Danville, Vermont. He was allowed to live at the hotel, and when General Lafayette, in 1824, failed to change Barton's mind, he paid the debt of his friend, who was set free and returned home.

16 Nathan Bates, Deputy from Scituate, voted against adoption of the Constitution. The office of Monitor, in legislative assemblies, has fallen into disuse. In the General Assembly it was customary to give this office to prominent members. It was their duty to keep order by reporting to the Speaker any member who was reading, talking or inattentive to business.
B. Bourne. moves for the Previous Question That the Constitution be first Read.\textsuperscript{17}

Instructions from Portsmouth/Deliverd to the Pres[iden]t by Mr. Elam\textsuperscript{18}/. read--by Mr. Channing.\textsuperscript{19}

Adjourned till afternoon.

[Page 8 is blank]\textsuperscript{20}

[9] Wednesday Morning March 3d In Convention\textsuperscript{21}

Mr. Marchant. Gives a History of the Difficulties attending the Mode of apportion[ing] taxes in Congress. Has observed on the Difficulties of an Actual Enumerati[on].

Says it would operate against us to have the mode altered. That he has a Fear on the Subject. That he will Submit to the Determination of the Majority. Says that Mr. Hazzard has been so

\textsuperscript{17}The following quotation taken from *The Newport Herald*, Thursday, March 4, 1790, shows clearly the apprehension of the Federalists and the tactics of the Anti-Federalists: "A motion was then made for reading the Constitution, but it was observed that it was not in order that the addition to the rule precluded any question while there was a motion for adjournment undecided, the Convention therefore were not at liberty to deviate from the first motion.—The Anties perceived the inconsistency of their Procedure, to recommend amendments to the people, and adjourn for further consideration of a Constitution that they had not given a reading, would appear the highest of absurdities; they therefore found themselves under a necessity of adjourning to 3 o'clock, to plan some measure to extricate themselves from the difficulty."

\textsuperscript{18}This is Samuel Elam of Portsmouth. The instructions pleading for hasty adoption are located in Papers Relating to the Adoption of the Constitution, 95 (MS in State Archives), printed in W. R. Staples, *Rhode Island in the Continental Congress*, 639.

\textsuperscript{19}Probably William Channing, merchant and Federalist from Newport.

\textsuperscript{20}Updike's Journal reads: Three o'clock P. M. House Met according to adjournment. The Constitution of the United States, the resolutions of Congress and those of the Legislature of this State, respecting the same, being read:—The Convention Proceeded to Consider Generally, the proposed Federal Constitution. The House adjourn to 9 o'clock tomorrow morn.

\textsuperscript{21}The Journal reads: Present as yesterday. Col. Sayles motioned for a committee to frame a bill of rights and amendments, and adjourn to a future day. To lay on the table. The Convention procended to consider by paragraphs the proposed Federal Constitution. House adjourns to 3 o'clock P. M.
Candid as to acknowledge that as the Numbers increase to the Westward the Taxes will lesson here. That there is no custom in the World of a Country like this. That the Wealth of a Country will not increase in Proportion to the Numbers. That therefore as we shall not increase our Numbers Equal with the other States it will be advantageous to us to agree to the proposed Mode. We find by Experience that no System of Government can be at once established. None of the New England States have proposed an Amendment in this Respect.

Jos. Stanton says the Reason why no State has objected to this Mode of Taxation by Numbers was because they were represented in the Convention and made the best Bargain they could. That 20 Planters in the southern States are worth 30 of Us.

[10] Genl. Miller says that there is no weight in the Gentleman's Motion. That he will grant this—20 Planters have more Property than 300 of our Farmers. This is no Time now to object to the Constitution we are to take.

Col. Barton We have met on a very interesting Peice of Business as much so as any ever within these Walls. Agreed to hear the Constitution Discussed by Paragraphs. He is open to Conviction if it appears Detrimental he will be against it. The Section before us [means] the Ruin of Direct Taxes.

---Daniel Updike kept the arguments of the members as separate notes, marked “Minutes,” which were placed in the State House along with his other notes. Where the meaning of Foster's minutes and the Official Minutes is essentially the same, no reference will be made.

23Article I, Section 2, paragraph 3 of the Constitution: Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.
Asks if the state of Rhode Island was ordered to raise 20,000 dollars?24

Mr. Marchant answers him—that

Barton says if there is not

George Hazzard says enough has been said on this Head. But we have always found it difficult to make the estimate and apportion taxes agreeable there to in this State. In [illegible] the clause the best way—our own experience has shewn that it is impossible to obtain a just estimate. Could not obtain a just one. It has been made clearly to appear this is the principle of numbers. We shall be advantaged [11] by an adoption—we shall gain in a future day. Mr. Jon. Hazzard observed that this clause is the most onatical part of the constitution to which he had objections. Shall we risque putting our country into difficult situation for—

We know our country is overloaded with debt. It draws his attention. This debt of 54 millions of dollars is like a cloud cast upon us—it eats like a canker worm night & day—Mr. Wm. Congdon objects to Mr. Hazard going on—he goes on to observe that the landed interest ought to agree to this measure. The farmers objected to the 5 per cent act.25

He heard a merchant say before he would go through a revolution before he would agree to the 5 per cent.

Wm. Congdon says it has been observed that apportionment of taxes in the state has been by estimate. That if taxes were to be assessed on our Jamestown & Portsmouth26 by numbers how unequal it would be.

24 The figures for this period are meagre and often inaccurate. The following are taken from American State Papers, Finance, I, 56-57:

Congress requisitioned Rhode Island in dollars—90th except for 1787.

<table>
<thead>
<tr>
<th>September 1785</th>
<th>October 1787</th>
<th>August 1788</th>
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<tbody>
<tr>
<td>Specie</td>
<td>Indents</td>
<td>Indents</td>
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<tr>
<td>21,545.30</td>
<td>43,090.60</td>
<td>36,558.18</td>
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25 By Rhode Island's vote in November, 1782, she alone kept Congress from laying an impost to be used in paying the Continental debt. A very able discussion of the question of import and export duties in Rhode Island is presented in F. G. Bates, "Rhode Island and the Formation of the Union," Columbia College Studies in History, Economics and Public Law, X, ch. III.

26 The Official Minutes read, W. Greenwich.
MR. MARCHANT answers him that the Quota will be assessed by Numbers but will be Detailed.

GEN. MILL[e]r says we stand with the United States as Jamestown is to this State. The mode of Estimates is therfor most advantageo[us].

[12] GEN. STANTON. says we ought to be honest. That Gen. Miller has given up the Argu[men]t.

MR. BOURNE.27 says That the other/New England/ States have not objected to this mode. Their silence on this occasion is a strong Argument in favour of this mode for am[endment].

Says the Reason assigned in North Carolina against this Clause was because they supposed it was in Favour of the [New] England states.

ELISHA BROWN says we have ben at great Expens to have an Estimate taken in our State. Why should this Expen[se]

Says they are28

COL. CHAMPLIN Answers That he was a Member on the Committee for apportioning the Taxes. That the Estimate was not right. That no Tax has been assessed by it—no Regard had to the Estimate. There cannot be a Just Estimate Taken.

MR. MARCHANT proposes that no Vote should be taken.

THE PRESIDENT rises and agrees to it [and] mentions Col. Sayles’s Motion—that it is given way that Col. Sayles Motion be postpond to give opportunity for Discussion.

ELISHA BROWN says his Town was Honest. He gave [13] a Just account of his Mon[e]y.

Conversation Desultory—STANTON says the Flying Committees for taking the Estimate were like Jack with a Lanthorn.

JONA. HAZZARD says The Estimate of 5 [per cent] was a Just

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27 The Official Minutes attribute a similar speech to Governor Bowen. Jabez Bowen was born and made his home in Providence. He aided President Manning in starting Brown University, and later became its Chancellor. From 1778-1786 he served as Deputy-Governor of his state. Benjamin Bourne and Jabez Bowen were the leaders of the Providence Federalists, and after the adoption of the Constitution he was made Commissioner of Loans for Rhode Island.

28 Following Bowen's speech is a motion by Elisha Brown, who moves "to put the question after that paragraph, or not. Mentioned the proceedings of the late estimate."
one—it was taken when the Enemy were on Rhode Island. That the Flying Committees were appointed to Rectify Mistakes.

PRESIDENT proposes to get rid of this Section—by proceeding.

J. SHELDON inquires whether an Amendment is to be proposed on this subject. He has been attentive to the observations. The principal objections he had heard is the Difficulty of obtaining a Just Estimate. He does not Think this a sufficient object—suppose Taxes were assessed in this State by Numbers—would it be so good as the Mode now proposed. Says that Mr. Merchant observed that the Inhabitants of the Land of Canaan

GEN. MIL[LE]R—why need we quarrel with our own Bread & cheese.

SHELDON Replies. Is this the way that we are going to establish a Government for the United States by taking an Advantage.

MR. BOURNE—says That Mr. Sheldon ought to shew That the his Mode is best. Reads an objection made in the south.

[14] Gov. BRADFORD Is pleased that so much Candour has been shown—that he is brought Up by some observation made by some of the Gentlemen that we ought not to see the other Parts of the Union—that he is clearly of opinion That the Mode objected to is the best for us—our Wealth will encrease and be greater in Proportion than the Numbers. We were one great Seaport—our Navigation increasing. Why should We be concerned Respecting the other States if they are contented—should be glad that Mr. Sheldon could point out a Mode of obtaining a Just Estim[ate]. Can he find a Committee to go through the Continent. If it is to be done by the states can it be depended on. No plans so well fixed as this for Commerce. He has objections to the Constitution. But it [is] best for us to adopt it. He does not know whether it will appear perfectly right in the Eyes of him who sees through all things. There are Men in the City of London [who] are worth more than whole Towns in the Kingdom.

SHELDON answers That/Gov. Bradford has mentioned/if we advert to the Kingdom of England—We shall find no Instance there of taxes assessed by Numbers—and no Instance in the United States. There is great difference in the states. The southern states
[15] Gov. Bradford—says—That he acknowledges That it will not do to tax individuals by Numbers—But in apportioning taxes to Countries it is the best way—it will not do to tax an inhabitant.[t].

Jona. Hazard Proposes that the mode of apportioning the Taxes should be by their Exports.

Gov. Bradford Answers him that the Imports of Provisions must be also considered.

Jona. Hazard mentions Virginie Negroes—interrupted. He is glad no Virginian is present.29

Third Section of the First Article30 read—no objection.

4th Section read.31 John Sayles says that this Section is very exceptionable. It has been objected to by the States which have Ratified the Constitution.32 Congress never ought to have the Power of altering the Mode of Election. It ought to be Reserved to the People.

Mr. Marchant says the Gentleman has mistook the Point—The Time Places & Manner—not the Qualifications—not a Word said about the Qualifications otherwise than that they shall be the same as for choosing Representatives in their own states.

Jo. Hazard—says That every Part of the Election is at the Disposal of 33

[16] Mr. Bourne—says this is the most exceptionable part of the Constitution. No Amendment has yet been proposed which is likely to take [its] Place. Proposes that the Congress should

29The second section being objected to, and argued largely on both sides, agreed to lie, etc.—Official Minutes.

30Article I, Section 3, relates to the Senate, its organization and powers.

31Article I, Section 4: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators. The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

32It is true that each of the five states which had submitted amendments carefully defined the meaning of Article I, Section 4 of the Constitution.

33Here Congress has a right to alter the place of choosing representatives, but not of choosing senators.—Official Minutes.
not interfere unless the Legislature neglect to make Provision—seems to be agreed to by the House.

Col. Barton vindicates this Clause of the Constitution—says the merchantile influence is always great—suits [cites] the case of an Election ordered in Newport. The People may then apply to Congress for Redress.

agreed to go on.

5th Section.34

J. Sheldon says that it ought to be more explicable. That the Words 'from Time to Time ['] are indefinite. It may be from 50 Years to 50 Years.

Jon. Hazard says There is no Danger. The Congress have published & will be published. Let us make no objections but such as are necessary. The Congress are responsible to the Senates and Assemblies.

agreed to be referred to the Committee.35

Section 6th.36

34 Article I, Section 5: Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

35 The committee is appointed later. See p. 60.

36 Article I, Section 6: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.
Jona. Hazzard objects—proposes that a Person should be appointed from Each State to determine what shall be allowed—proposed to be reffered to the Committe.

[17] 7th Section. Jos. Stanton objects to the Power of the President to reject a Bill—says that he has the Power of one Third of Congress. That it would [be] Sufficient for the President to refer it back and if both Houses of Congress and if they adhered that the Law should pass.

Mr. Marcht says the Gentleman on Reflect[ion] will be conv[inced]. The English Constituti[on] admired by the World—States the Nature of the Balances in Govt. and the checks necessary. The British House of Commons may be consulted. States the Process of an Act through Congress and the Advantages which will arise to the People—This the most beautiful Part of the Constituti[on]—we ought [to] be careful how we destroy it.

Gen. Miller says it is well as it is. There are Two Interests in this Government—a Northern & Southern Interest. The Presid[en]t to hold the Balance—Therefore let Two Thirds of Congress determine.

 Article I, Section 7: All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within Ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law, etc.

In the Official Minutes he is reported to have said: it was the Wisdom of Legislation to rest the powers of govt. in equal Branches, as British Constitution, which is subject to Corruption. This Provides against it; etc.

Marchant's conception of the English Constitution, while not correct, was accepted by a large number of his contemporaries. Queen Anne, in 1701, was the last ruler to use the veto.
MR. BOURN When it is considrd that [the] Presid[e]nt is Elected by the People—That he state[s] his objection in Writ- ing—He is responsible to them. Mentions That Massachusetts[ts] has a veto.39

Gov. BRADFORD Confirms what Genl. Miller had observed— hopes Genl. Stanton will give up his objection.

[18] GEN. STANTON says there is a Disposition in all the Race of Adam to assume Power. It may be obse[rve]d—is sorry we so often Refer to the British Govmt. The present President is a Republican & the Gentleman who menti[one]d it is a Republi- can.40

MR. MARCHANT explains farther the Advantage. This Negative may postpone Business when to suddenly passed.

Referred to the Committee to be appointed to draft Amend- ments.

[House adjourns to 3 o'clock P. M.]41

Afternoon.—

8th Section42 of the Constitution read—and now under Con- sideration—no objection made and Govr. Bowen moving to pro- ceed—the 9th Section43 is therefore read.

GEN. STANTON. Says That the 9th Section tends to encourage the African Trade. He there[for] disapproves of it—and wou[l]d

39 For a discussion of the powers of the Governor and the attitude of the people of Massachusetts on this question, see “Massachusetts Consti- tution of 1780” by S. E. Morison in Massachusetts Historical Society Proceedings, L, 383.

40 I thot [some] have been accustomed to royal govt & hanker after it—Official Minutes.

41 Taken from the Official Minutes.

42 Article I, Section 8, defines the powers of Congress in regard to taxation, commerce, borrowing and coinage of money, naturalization, post offices and post roads, patents and copyrights, war, army, navy and other legislative and judicial functions.

43 Article I, Section 9, paragraph 1: The Migration of Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thou- sand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.
B. Bourn. Says it is Singular that a Gent who has advocated that no powers of Congress ought to have been given more than were allowed by the old articles—That the old Congress had no Power to interfere by this Constitution. The Congress may abolish that Trade in 20 Years a valuable acquisition.

[19] John Job Comstock—Mr. Bourn has missed the Mark—he does not find that the Congress can in 20 Years put an End to the Trade. The Clause allowing a 20 Year Importation will extend to the End of this Generation. The First Congress would not allow their Vessels to be used in the Trade. The Trade iniquitous. Righteousness exalts a Nation but Iniquity is a Reproach to any People.

Jon. Hazard Wishes to propose Amendts in which we may be contented. The South States must answer for themselves. They must conduct their own Legislation as they please. They can regulate their Trade as they please. We are not interested [on] one Hand nor answerable in our Consciences on the other. They must answer for [their] own Crimes. The southern states will separate from us before they will agree to this Alternate proposed. They will say That They do not interfere with our [illegible] Legislatures—Why should we with theirs. The Constitution does not prevent any of the States from suppressing the Trade—to move for this Amendt will be to abridge the Sovereignty of the States.

Job Comstock. according to Gentleman's Doctrine He will permit his Neighbor to murder his Neighbor. We give up things indifferent. Why should we not insist on the Southern States giving up an iniquitous Measure. We are commendable for the Laws we have made. We ought to address Congress

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44When the First Continental Congress declared the Association on October 18, 1774, they resolved: "We will neither import, nor purchase any slave imported, after the first day of December next; after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves nor will we hire our vessels nor sell our commodities to those who are concerned in it." The last sentence in this paragraph is from Proverbs 14:34.

45One should read the references listed under the word "Sovereignty" in the index to The Records of Federal Convention, edited by Max Farrand, to understand the attitude of other states.
on the Subject—to bear Testimony against. Shall the same Community of which [we] are a part Join in Abominations.

MR. CHAMPLIN agrees with J. Hazzard. The Convention of Philadelphia were disposed to suppress Slavery. They found great Difficulties. Did what they could—could agree on no other Measure. At the End of 20 Years they can. If we move for an Amendment on this Head it will lessen our Influence on the Account of other Aments. This Constitution has no Influence on the Laws of the States. Mentions the Laws we passed. They are Sufficient—if any have more tender feelings

COL. BARTON. I think this a Matter of very great consequence. We are all on board of one Ship—The Ship of Liberty—to enjoy it ourselves but that it may spread through the World—he concludes it is the Wishes of every person composing this Convention—inadequate to the Task. [21] Sometimes uses improper Words—Sometimes Mistakes—hopes not now. I beg Liberty to call the Attention to the Resolution of Congress in 1776. They were then sensible of the fate this country was in. What did they do. They Resolved that no Vessels should be used. Sorry I am that any thing Should appear to Countenance this Trade—wishes all men may be free—Can anyone Justify the Trade to Guinea—no one can. Mr. Jo. Hazzard says the Iniquities must Rest with them & their Children. I say no—if we come into the Compact—we are partners with them—as I love the Constitution/let us therefore shew our Disapprobation of that Trade.

JONA. HAZZARD I am Sory to rise again. I am the Interest of this State to ask for Amendment concerning. The Gentlemen who have spoken have acted on right Principle. I must Rely on it that the Motion is contesting the Advantage we now have. It will be Stabbing to the Vitals of the States. Do

46For a brief discussion of the slavery question at Philadelphia see Farrand, The Framing of the Constitution of the United States.

47Congress in April, 1776 voted "That no slaves be imported into any of the thirteen United Colonies." Du Bois calls this a "temporary resolve" which more truthfully portrays the attitude of the people than the previous "definitive promise." W. E. B. Du Bois, The Suppression of the Slave-Trade, p. 47.
they not mean to pay their Quota of the Debts acquired with them—Begs the Gentlemen to let the South. States act for them-s[elves]—why shall we oppose what we can never obtain. [22] 
Imposition to ask for too much—we may obtain something but not all.

There is another objection—a Number of Gentlemen/the Aboli[tio]n Soc[ie]ty/⁴⁸ in this state have attemptd to Join in slav-ing the Whites. That is turning the world upside dow[n]. Let the southern states alone. He is a Land Holder. We cannot injure one order of Men without injur[in]g all.

MR. GEO. HAZ[zard] This General Law—why should we bring a particular Matter into Consideration. Laws have been made in this State Against the Slave Trade. When the Conven-tion came to consider the Mater on General Principles they con-sid[er]ed that a Part of the Community were more interested than other. We will give notice to this Part of the Community that They must submit in Time to the General Regul[ation]—would our own Experience warrant an immed[iate] Law for abol-[li]tion of all slavery—we have in part undertaken it.⁴⁹ Was all to be dealt with as They re[a]son, who could be Justified. He has been in the Trade—he isn’t convic[te]d of its Wickedness. But it has been so much expla[in]ed he will no further pursue. Man is but Man. His Feelings are affected by his [23] Interest. Touch a Man here he will be affected—as the Evil Spirit said of Job⁵⁰—may be aplied to the Possessor of Slaves as Congress has consid[er]ed it [in] this Light as they have done—as such Rea-sonable Measure has been proposed let us make the best of it—let us improve—mentions the Measures we have adoptd. Let us go on.

⁴⁸The Charter of “The Providence Society for promoting the abolition of Slavery” is found in Rhode Island Colonial Records, X, 382. In the Charter appear the names of the following delegates at the Conven-tion: Benjamin Arnold, Daniel Owen, James Sheldon, Joseph Stanton, Jr., John Sayles, Levi Ballou, John Williams, and Noah Mathewson.

⁴⁹Various acts had been passed in the state. An act of 1774 prohib-ited the slave trade, but it was not effective. By 1779 slaves could not be sold outside the state against their will. An Act of 1784 provided for gradual abolition, and one in 1787 prohibited trade by heavy fines.

⁵⁰Satan speaking to God of Job says: “But put forth thy hand now, and touch all that he hath, and he will curse thee to thy face.”—Job 1:11.
If we totally abolish Slavery it will Ruin many persons. We have read of Persons of old who made great outcry but were not altogether blamless.\footnote{Pharisees.} Time and Season for all Things—we may go to fast. Will not be possible to effect the Ab[oli]tion of Slavery at present—after all the Reflection.

\textbf{Gen. Stanton} cannot but observe what a Beautiful Introduction the Constitution commences with—Reads it. Why/in the Name of Comm[on Sense]/should not this Liberty be extended to the Africans. Sorry it has been urged that it greatly affect[s] the Southern States. It has been a capital object with them.

\[24\] \textbf{Gen. Miller.} Says that he has the Word of God in his House. It does not prohibit Slavery. Why should we make Laws for The Africans, for the French, for the Dutc[h] in the [blank]. From [illegible] that the Number of Interests? If we may make such Innovations—This Gentle[man] may make a Law that he should look like him which god forbid. Paul was willing to pay for the Labour of his Serv[an]t.\footnote{See Paul’s letter to Philemon in regard to the slave, Onesimus.}

\textbf{Gen. Stanton} said Paul treatd him as a Brother—if General Mill[e]r will treat his Africans as his Brethern he will be contented.

\textbf{Mr. Marcht.} Millers Time misspent—if the Gentlemen from Charlest[on] had advertd to the Last Clause in the 4th & 9th Clauses. Does the Gentleman suppose that we can obtain an Admendmt which if obtained would dissolve this Compact—stands at all Times as Advocate for Liberty, public & Private—Respects the Gentlemen who have advocated the Abolitio[n] of Slavery—we have a Right to encourage the Abolition if we can do it without infringing the [26] Laws of particular States. The old Congress made an Agreemt which they personally Adhered to—but it was only recommendatry. The old Congress had no

\footnote{General Stanton.}
power to make a Law. The Convention54 generous wise and Cand
did did all that could be done. Wishes to see as much Candour in
those who have now have [sic] to determine this Consti[tutio]n
—mentions the Complying Disposition of the Southern Mem-
bers. The Slaves in South Carolina Equal to Half their real
Estate. This Property was obtained when it was not supposed
not lawful even in this State. They acquird a Right which they
supposed to be Equal to that to their Real Estate.

PRESIDENT calls to order. That the Point is only whether the
Imports from Africa shall be stopped. [MARCHANT] Says he will
confine himself to the Importation—has not all been done that
could be done. We had no Right to insist on any such Regula-
t[ion].s. A Number were dissatisfied when the Constitu[tion]
first was founded—but are now Reconciled to it—thinking that
there is a Disposit[io]n that there shall be a gradual Abolition.
That in 20 years it will [be] time to take. Nothing further can
be gained on account of the Provisional Clause before mentioned.
Why should we propose Amendments which will disaffect the
Southern States when we cannot accomplish our purpose.

J. COMSTOCK says. He will treat the Subject coolly Mr. March-
[an]t was warm—hope[s] to see the Time when he will be
[illegible] old man [27] will mention his Sentiments. Mr. Marcht
says that the 5th Article is part of the Constitu[tion] and unalter-
able. He does not think so. Every Part of the Constitution may
be alterd—we are not going to take Arms or to see the Virgin.
slaves free. The object wished is only to shew our disapproba-
tion of the Length of Time allowed by Congress for the Impor-
ta[tio]n. It is a Bargain we are about to make/Every family a
Pact/. We make the Proposal if we see fit. Have we not some
show of Character. Are we not interested. The abolitn Society
imbarked in a Good Cause. Will not be lengthy—Submits.

ELISHA BROWN is sorry to hear the storms. It is well known
that the Northern States have made Laws against the Trade. The
southern states have not—by that Means our Citizens get away
their Vessels—and Thus Defy all the Regu[la]tions that can be

54 The Federal Convention at Philadelphia.
made. Hopes that this House will not Preclude the Committee from Reporting on it. Massachusetts have made Laws.\textsuperscript{55}

COL. BARTON says Mr. Hazzard was right to have the Motion passed over—has yet heard no Argument on the Real Right or Wrong of it. The Principle \textsuperscript{[28]} that it \textsuperscript{[we]} cannot annihilate it when the southern States are so much Interested. Shall we be thus led of \textsuperscript{[f]} the ground. We will press & Argue— is sorry to hear Genl Mill[e]r express himself as he Did. That he quoted some Scripture. He did not distinctly hear all—But he seemed to Justify Slavery from the Scripture. He has Read some Scripture. There was among the Jews a Year of Jubilee\textsuperscript{[56]} when those who were Servants were to be called on and be freed if not

The New Testament directs that we do to all as we would have them do to us. Will the Gentleman be willing that his tender Grand Children should be taken and carried away as he sees Africans. He trusts the Committee will report in favor of this Amendment.

GENL. MIL[LE]R. If the Gentleman will read in Leviticus That the Children of the Heathen and the Stranger we may have them for Servants to keep.

GEO. HAZZARD says we ought to be modest and Cool in offering our Argument. That the Right of Trade has not been gone into. They should Consider whether they would be willing. \textsuperscript{[29]} By the General Government we were all men & have our being. And shall we propose a Measure to injure the Union. Hopes no Gentleman will blame those who are against the Amendt. Let us

\textsuperscript{55}Massachusetts Constitution of 1780 declared that “All men are born free and equal, and have certain, natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties.” This was interpreted by the courts to abolish slavery and was prefixed to the Laws in 1789. In 1788 was passed “An Act to prevent the Slave-Trade, and for granting Relief to the Families of such unhappy Persons as may be kidnapped or decoyed away from this Commonwealth.” Laws of Massachusetts, 1780-89 (ed. 1789), 235.

\textsuperscript{56}This was the final consummation of the Sabbatical system, and when the Jubilee was ushered in liberty was proclaimed. Hired servants were returned to their possessions. A Hebrew sold as a slave to a foreigner in Palestine was given his freedom.

\textsuperscript{57}See Leviticus 25:44-46.
not use untempered Motions. He has an open Heart and Good will for all—if it is the opinion of the Committee he will be sufic[ien]t[ly] Resigned—it is Right for all freely

GEN. BRADFORD says Time enough [illegible]. The Argument can be of no hurt—it is not before us whether slavery was allowed in the Days of Christ. The Convention was composed of a Number of Gentlem[en] who had slaves. They have expressly said that there shall be no alterat[io]n Until the year 180[8]. We cannot effect any alteration. That the Gentlemen may display their Abilities to ingratiate themselves with a particular [two words illegible].

JON. HAZZARD Speaks not to display his Oratory. The Reason he gave before was.‘.

We wish for Amendments interesting to us. Then [30] I would not move for Amendmts we are sure we cannot succeed in. The Instant we move it we stick a Dager in the Hearts of the southern Members—and shall immediat[el]y have 29 members against/ us/.

ELISHA BROWN moved to adjourn.

10th Section read.

COL. BARTON says we are now to investigate this Mater fully that we have passed over. Says he has an objection to the Poll Tax.‘. He always consid[er]ed it grievous. There are People in the seaports who have not a foot of Land and will pay more th[a]n many large Farmers. That he cannot consent that Congress shall have the Pow[er] of Capitation Tax. The Congre[ss] men of Fortune do not feel for the Common People.


MR. MARCHANT says there is no Poll Tax allowed.

GOV. BRADFORD Reads the Clause referrd to by Col. Barton

58 Article I, Section 2, had provided representation as follows: Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

59 Article I, Section 10, concerns the limitations on the power of a state.

60 This refers to Article I, Section 9, paragraph 4: No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[ 54 ]
says it is only to shew in what Manner the apportionment shall be made.

JON. E. HAZZARD of the same opinion as Stanton—says it implies there may be such a Tax.

[31] GEN. MILL[e]r The Clause was inserted for gr[e]ater Caution no Doubt at the Instigation of some of the New England States and rather imp[l]ies that a Poll Tax is not to be allowd.

Mr. MARCHT says as Congress do not mean to intermeddle with the Internal Legislation of the States—They have provided that no Capit[at]ion—it will not appear well to make such an Amendmt.

GEN. MILL[e]r says in the first Clause it is said that Taxation and Representation should go together. That when the Committee came to the Part of the Consti[tu]tion—They recom[men]d[e]d that Tax sho[u]ld be laid unless.

COL. BARTON says the Congress have an undou[b]ted Right to levy a Capit[at]ion Tax. It is grievous in the Kingdom of Great Briti[a]n—every man pays a Tax for every Drink of Grog.

GENL. STANTON. This is one of the obscurest Parts of the Constitution—Wishes to have it explained—and is for hav[in]g the mater fully expl[ai]ned—and the Congress prohibited from making a Poll Tax.

[32] B. BOURNE. The Congress have the Right by Virtue of the preceding Clause to lay this Tax. The Gentlemen ought to have mentioned it in the proper place.

[32 sic] [Blank]

[33] 4th Day

Thursday Morning—JUDGE STEERE moves that a Committee may be appointed to draft Amendts.

JOHN W[ILLIA]MS It will not be benefici[al] to appoint the

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61 Article I, Section 2: Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, etc.

62 Article I, Section 8: The Congress shall have Power To lay and collect Taxes, etc.

63 In the Official Minutes one reads: MR. MARCHANT. I am averse to such a tax, if meant. House adjourns tomorrow morning, 9 o'clock.
Committee. The Committee will hear what the House have to say—can gain information by it.

B. Bourn. The Committee will be glad to hear the Debates of the House. It will not be saving time. The Committee will derive advantage by hearing the Debate.

Stanton rises to support the Motion of Judge Steere. The Committee can meet at the intervals of the Meetings—and in the evening.

B. Bourn it will not save time.

Elis[ha] Brown. Says if we can get through before noon it will be wise to appoint.

Mr. Mathewson. Thinks, we had better appoint now. The Committee can hear what is said.

Geo. Hazard moves that we proceed—says the Gentlemen are reasonable Men—that we have begun the Business regularly—it will

W. Congdon. Says if we get through the Constitution this forenoon—moves to appoint the Committee.

Gov. Brad[d]ford is immaterial whether the Committee be appointed now—or before adjournment?

Ste[ve]re will agree that they be appointed any time this forenoon—papers will be wanted.

[34] B. Bourn says we have paper transmitted by the Secretary. The Ratifications of the States &c have not been read.

Sayles gives up the Motion for the present agreeing that they be appointed this forenoon.

Last Section Read—no objections.
Second Article/1st Section/read—no Objections.
Second Section read—no objections.
Third Section/Read/—Section 4th Read.

64 Mr. Noah Mathewson was a loyal Anti-Federalist Deputy from Johnston.

65 Judge Stephen Steere was long time Justice of the Court of Common Pleas for Providence County. An Anti from Gloucester, he served on the committees to draft amendments at this meeting and again at Newport.

66 Article I, Section 10.
Article 3d. 1st Section read.—Second Section Read And so on to the End of [5th Article of the Constitution].

Col. Barton says we are going altogether going one Side. This Clause/Article 5th/ought to be written in Letters of Gold. We ought to observe the Excellencies of the Constitution. There is a Fair Opportunity furnished Amendts provided by the States. enlarging.

Gen. Miller calls the Gentlemen to order—we are to point out the Bad Things. The Matter to be taken up at large.

President says He does not know.

Jona. Hazard. says He is glad that the Gent. has called his Attention to this Article—notwithstanding he praises it—Hazarded objects. We want a Constitution not to be altered. The Rich and powerful States will be uneasy till they alter it for their Benefit. That so far from thinking the Clause ought to have been written in Letters of Gold—he is sorry it was ever written in Letters with Ink and is sorry that it has appeared as a Part of the Constitution.

Genl. Stanton supports Barton But objects to the Last Clause of the Article.

[35] B. Bour [n] Says the Last Clause is the Great Bulwark of the Privileges of this State which can[n]ot be altered without our Consent—enumerates the Advantages we have by Reason of the Senate—enlarges on the Benefits of Amendts and agrees with Mr. Barton in Sentiment: Though not quite in order to point out the Beauties. That his Genius and Abilities may be exer[c]ised in Painting over the Beauties when it is taken up at Len[gh].

Gen. Stanton says Mr. Bour[n] is not candid. He did not object to the Last Article—but only to a Clause towards the Latter part of the Clause.

The Remainder read.

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67 Article V provides methods for amending the Constitution.

68 Barton had appealed to the President to sustain him. The Official Minutes read: You are in order—am willing to hear.
Mr. Marchant moves that the Amendments recommended by Congress be read.

They are read accordingly.

Mr. Sheldon—Thinks that every State ought to be precluded from making any Law respecting Religion or abridging the Rights of Conscience.

Mr. Marchant says it will be dangerous to attempt such a Measure—every State will if it is right that Congress should not make any Laws respecting it no State ought to have the Right.

B. Born says there is no Danger of any Establishment of any Mode of Religion whether we would not appoint a Chaplin. The Persecution in the other States of our Ancestors was an Advantage to this State—and should they persecute them it will be a Means of Accession to this State.

Mr. Marchant wishes all Men would agree not to establish any Religion—enough for us to keep it out of the General Govt.

B. Born. Provisions made by Constitution. That no establishment shall not be made to [incomplete]. No Danger of any of the States taking Measures tending—from the highest practice and the present General Sentiment of the World on this Subject.

All the Amendments Read.

B. Bourne These Amendments read not to go to the Committee, but only to Shew them what has been done already towards amending the Constitution. Enquires what States have agreed to these Amendments.

The twelve amendments submitted by Congress to the States for ratification are printed in the Appendix. Articles 1 and 2 did not receive the necessary three-fourths vote to make them a part of the Constitution.

The Official Minutes end at this point. The Journal of Daniel Updike mentions the consideration of the Constitution, “section by section,” and the reading of the amendments of the several states. It also lists the names of the men who served on the committee to draft amendments. Mr. Bourn has reference to the early persecutions in Massachusetts which led to the first plantations in Rhode Island by Roger Williams and others.

By March, 1790, the following states had ratified the first ten amendments: New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, and Delaware.
J. SHELDON. It was his Opinion That the Constitution and the Amendments would be referred to the Committee—and that he supposed the Committee would incorporate them with their Report.

MARCHANT. It will be best that the committee report in the Manner proposed by Mr. Sheldon as it will be a Constitutional Ratification by the People—who are in this respect Superior to the Legislature.

B. BOURNE says that it belongs to the Legislature to Ratify them by Reason of Congress having pointed out that Mode therefore improper for us to refer the Amendments proposed by Congress.

J. HAZZARD moves That the Amendments of New York be read. Seconded by James Sheldon.

They are read.

PRESIDENT observes that all the Papers called for have been Read.

GENL. STANTON moves that the Amendments proposed by North Carolina be read. Enquired for. MR. SHELDON says he has them in a newspaper. They are read from the United States Chronicle, of Jan. 14.

[37] MR. MARCHANT moves That the Amendments proposed by Massachusetts be read for the Information of the Committee—and that as the Congress have already provided for some of the Amendments. They are read from the Pamphlet containing the Proceedings.

J. SAYLES Moves that the Amendments proposed by Virginia be read. They are read from the Copy sent to the Secretary.

72He has reference to Article V of the Constitution. The Rhode Island Legislature, in June, 1790, ratified all but the second amendment proposed by Congress.

73The amendments proposed by New York may be found in Elliot's Debates on Federal Constitution, II, 379 ff.

74See ibid, IV, 240.

75Ibid, II, 180.

76Ibid, III, 594.
Gov. Bradford says The Gentlemen have had an opportunity of Reading the Amendts in the Papers and others and much Time has been taken. Moves that the Committee be appointed—agreed to on all sides That Two from Each County be appointed.

Newport. Ray Sands nominated and Mr. Marchant nominated.

Moved by Mr. Champlin That the Committee be appointed from those who are opposed to the Constitution.

Mr. Marchant desires that those may be appointed who are most agreeable to this House—and who will give Satisfaction abroad.

Ray Sands nominated by Mr. Abraham Barker. he nominated Mr. Burrington Anthony.

Newport. Ray Sands Joshua Barker Bristol. Genl. Miller nominated but declines. Says he should

Providence Judge Stephenson Steere Thomas Allen John Sayles Saml. Pearce


[38] Committee Voted in.

Govr. Bradford recommended That this Committee proceed as soon as may be.

Since Mr. Champlin, a Federalist, had moved that the committee be appointed from opponents of the Constitution, it is interesting to speculate on his motives. Of this committee, only Thomas Allen and Samuel Pearce voted against adjournment, and perhaps the reason they were chosen was because there were no Anti-Federalist delegates from Bristol County. Realizing that the Federalists were outnumbered, Champlin probably hoped that, by getting all the objections in writing, the Federalists could force a vote to adopt the Constitution with the suggested Amendments. In the light of what follows, this could have been his intention. Ray Sands lived in South Kingstown, but, as he owned land in New Shoreham, and as it was very hard for that town to send Deputies to the Assembly, he was allowed to represent them. Joshua Barker was a Deputy in the Assembly that passed Rhode Island's "Declaration of Independence" on May 4, 1776. Voting for adjournment at South Kingstown, but, as he owned land in New Shoreham, and as it was very hard for that town to send Deputies to the Assembly, he was allowed to represent them. Joshua Barker was a Deputy in the Assembly that passed Rhode Island's "Declaration of Independence" on May 4, 1776. Voting for adjournment at South Kingstown, he voted for adjournment at Newport. Thomas Allen was also a Deputy in the May, 1776. Assembly, and served as a Captain during the war. Samuel Pearce or Peirce was a Deputy from Warren. Gideon Arnold was a Deputy from Warwick.
Moved That the House adjourn to 3 o'clock P. M.
adjourned.

[39] Friday Afternoon 3 o'clock—March 6th [5th] 1790

This Forenoon the House met at 9 o'clock but the Committee
appointed to draft Amendments not having been able to agree
upon a Report—the Convention therefore adjourned to this
time—and The House being now formed and having waited
Sometime sent to the Committee to know if they shall soon
report. They sent Word by Mr. Dougless the Waiter that
they will report in 15 Minutes.

They come into the House accordingly.

And the Business now begins—a Time of Expectation
and the House very much crowded—Generals, Colonels, Dele-
gates, &c being obliged to Stand. The House now calling—
Thus Life Passes and carries along the Tide of Time to land
us in Eternity—of what consequence will then be all this
Parade?

The SECRETARY reads the Report of the Committee.

The Bill of Rights read.

MR. MARCHANT moves that the Bill of Rights be discussed and
finished—

The Amendments read.

MR. MARCHANT moves that Two Articles excepted against
be read. They are read.

GOVR. BOURN Calld for Information whether it was the
Recommendation of the Committee that the Bills of Rights
MARCHT moves an Alteration of the 11th Article That instead

78 The Journal has no reference to a Thursday afternoon or Friday
morning meeting. Apparently the Committee had not been ready to make
any report at either time.

79 The term “waiter” at this time may have meant either a waiter in an
eating house, as we use the term, or one who acted as messenger for the
court or meeting. It is possible that the committee held its meeting in
one of three nearby eating houses. It would have been very convenient to
meet in the tavern (now Kingston Inn) kept by Charles Barker, which
was just across the street from the State House. Douglas, or Dougless,
is an old South Kingstown family name, but it is not clear to whom the
reference applies. This information was given me by Mr. William Davis
Miller, of Kingston.

80 See Appendix for Amendments and Bill of Rights.

[ 61 ]
of the Word/Common Law of England/report ed it be altered &
read as follows: and hath been exercised by us and our Ances-
tors from the Time whereof the memory of Man is not to the
Contrary.

Job Comstock says this Business of high Importance—it
has taken the Committee sometime to prepare the Bill of Rights
—and moves that before the Bill of [40] Rights be discussed—
Moves that the Bill of Rights and Amendment[s] be Referred
to the People/at large/to have their Opinion & Sentim[en]ts thereon.

Mr. Marcht. Shews that the Gentl. is out of order—refers
to the Vote of Mr. Sayles—that he is very appre[hensive].

Jona. Hazzard says that When the Amendts are made to the
Bill of Rights

Gov. Bourn seconds the Motion of Mr. Marchant that the
Bill of Rights be proceeded on and finished before the Consider-
eration of the Amendments.

Voted that the Amendt. Proposed by Mr. Marchant be agreed
to and the Report altered accordingly.

Mr. Marchant moves that the Bill of Rights be again read
[by] Paragraphs.
They are all agreed.

Mr. Marchant observes That the Bill of Rights being
agreed to it appears agreeable to our Minds—that it contains
our Professed Sentiments and is agreeable to the Constitutions
of the United [States]—That We ought to make the Bill of
Rights as perfect as possible. Moves that We now have a Vote
whether we approve of this Bill of Rights.

Mr. Waterman seconds the Motion of Mr. Comstock.
Comstock says that it is his Meaning that no

Elisha [Brown] Clear in opinion that this like we have
gone through the Amendments—That both share the same Fate
—that both go to the People together to be considered by the
Bill.

Gen. Mill[er] The Bill of Rights and the Amendts are
distensible—But the People [41] have sent us here to Do a
particul[a]r Business. This [decision?] is own Business. We
have Ourselves a Right to decide on this Bill—and seconds the Motion of Mr. Marchant. 81

JN. HA[d]ZARD. Well enough to take the opinions of the House whether they approve of the Bill of Rights. But thinks it well that the Bill of Rights be referred to the People because they may propose other additional Articles.

MARCHANT. It will have an odd appearance to send out this Bill of Rights to the People without it being recommended. He wishes to act with fairness and to take no Advantage.

COMSTOCK—Common for the Assembly to Refer Acts to the People before they Pass into Laws for their Consent. 82

J. Hazz[ard] says the Vote of Approbation will not be conclusive—on the Vote upon the Amendts. It is best to Let the People know that it is

COMSTOCK We ought to Referr the Bill.

PRESIDENT asks how the Bill of Rights is to be sent to the People.

CHAMPLIN Begs liberty to have an Oppertunity here in his Seat to express his Sentiments on the Bill. How will Mr. Comstock appear when he goes home and the People ask him how he likes the Bill of Rights and he shall say the [that] it was not considered.

[42] J. HAZZARD—says that there is a Differ[ence] in send- ing out the Bill with a Vote of Approbation and without a [consideration].

CHAMPLIN. Agrees with Genl. Stanton that the Vote on the

81 An Act for calling a Convention to take into consideration the Constitution proposed for the United States, on the 17th day of September, A. D. 1787, by the General Convention held at Philadelphia:

"And be it further enacted, by the authority aforesaid, That the said Con- 
vention be, and, hereby is, empowered and fully authorized, finally, to 
decide on the said Constitution as they shall judge shall be most con- 
ducive to the interests of the people of this State, and that the said Con- 
vention cause the result of their deliberations and proceedings, relative to 
the aforesaid Constitution, to be transmitted to the President of the United 
States as soon after the rising thereof as may be."

82 This practice was used to some extent on questions of great interest. See "An Act to stimulate and give efficiency to the paper bills emitted by this state in May last," passed 1786, and "An Act relative to a convention in this state," passed in 1789. Rhode Island Colonial Records, X, 217, 338.
Bill be postponed till after the Consideration of the Amendments.

1st Amendt read and agreed to.

Second Article Read. Mr. Bourne move[s] that the First Article of the Amendment proposed by the Congress be read. Gov. Bourn calls on the Committee for Information on their Sentiments.

March[ant] says. If we reckon 3/5ths of all the Blacks in the Southern States in proportion[ing] the Taxes and will not allow a Representation according it will have an unfavorable appearance. Wishes the Gentle[man] to explain.

J. Hazzard. We are not so fond of the Mode of Representation as pointed out by the Constitution. We think that the Taxes ought to be proportioned to the States according to the estimated Votes as will appear by a subs[ ].

3d Article read and agreed to.

4th Article read.

BOURNE calls for reading again the 3d Article which is done.

5th Article read.

Genl. Miller calls a second Reading of it.

J. Hazzard says the Reason why the Amendment [43] is proposed is because there is a vast Extent of Territory—more than all the Eastern States which when they come to be settled will create a Number of States.

G. Miller would not ask for a Thing which would probably obtain. It will look [illegible] the New England States.

March. has no Objection but this. When we propose Amendments merely local it excites Jealousy—the Amendment respecting the Blacks of this Kind. The Southern States think it of great Consequence to them that No Innovations be made on this Policy Respecting their States—having been driving hard to obtain a Representation of them. Wishes not to hold up

83 Article or amendment used interchangeably. This is the first of the two articles marked “Second” in the amendments, and therefore other numbers in Foster’s Minutes will be one ahead of the amendment numbering as far as the “Tenth.”

any thing which gives ground of uneasiness—and recommends that this do not pass as an Amend.

J. Hazard] It rests on this whether we value the Representation of the Blacks in the Southern States of more Consequence than the Liberty of ourselves.

We had better let the Southern States Trade to Africa than to expose our own Liberty. We ought to take Care at home before we look abroad.

Mr. Marcht gives up the
Gov. Bradford calls for Reading it.

I presume if we ever adopt the Consti[tution] in this Govt it is to be before these Amendts. [44] Asks if the Gentleman from South Kingston 86 can shew any Amendt proposed by any of the States so pointed against the Union as this. Asks if the Southern State[s] had proposed no alteration should be made—with the [illegible]. 86 It seems that we are too Jealous. We ought to enter into the Govt. on a Broad Basis. Happy if the Southern States do not overrun the Eastern States—it will tend to attract their Attention to the Matter.

E. Brown proposes that this Article remain for Consideration.

J. Hazz[a]rd. Doubts not but the Honb. Gent. from Kingston 87 means the Good of us all. The Gentl of the Committe liable to Errors. Wishes not to be pointed by any Means—ought not to leave it in their Power. obliged to a Worthy Member for a Suggestion That the Constitu[tion] when agreed to be not altered without the Consent of Eleven States. Gov. Bradford had the same Ideas and intends to mention the Matter at a proper Time. this Article agreed to be postponed.

Article 6th Read. Genl. Miller observes that he has no objection only to the Expenses of the Ratification of this Constitu[tion].

85Jonathan Hazard.

86The Southern States which proposed amendments, South Carolina, Virginia and North Carolina, were willing to let Article V stand without any limiting clauses.

87Mr. Hazard must have gotten the towns confused.
[45] Article 7th

8th & 9th/\textit{&tc}/Read—and no objections.

Article 10th—MR. MARCHT. This subject was fully discussed before the Committee went out. Says he then observed on the Difficulties which occurred on this Matter in the First Congress it took them six Months—The South[ern] States were opposed to the Blacks be\[ing\] counted in the Rule of apportionmt. That many members were willing that the Taxes shou[l]d thus be appor[tione]d by Numbers but absolutely refused unless the Blacks were deducted. Will it be worth While now at this Late Day [to] undertake to renew the Proposal which has been found impracticable to be carried into Execut[i]on. But now since the Southern States have been/bro[uught]/with gr[e]at Difficulty to consent to this Mode shall we adhere to a Mode

These Two Points The Impracticability and the Inexpdnt [inexpedience] have largely been gone into. We are Circumscribed—our Numbers will not increase but little. The Invitations abroad will lead our Inhabitants to the Southern States. Our Wealth will encr[e]ase and our proportion of Taxes will encr[e]ase in Proportion. Wishes the Gent. [46] would consider the Mater fully. Though there may be a small arithmatical Error in the Proport[i]on we had better

MR. E. BROWN moves to have this postponed till Morning.

J. HAZZ. Can assure the Honbl. Member that he did not make the objecti[on] for the Sake of object[ing]. Had the Taxes been assessed in proport[i]on to our Freemen and the [blank]. Marcht not so well acquainted with the Southern States as he is.

True that Difficulties arose as Mr. Marcht [says] But we had better support the Expence of making the Estimate. The Produce of Virginia Equal to that of 4 New England States New York & New Jersey. That State Solus has more Negroes than all the other Stat[es]—a Planter can ride in a Coach with 4 or 5 Attendts. Drinks Wine lives Extravagantly—and there-

[ 66 ]
for in Debt—lives on the Principles of the Jamaican—Bounty as Extravagance. Wishes the House could be informed.\textsuperscript{88}

\textit{MILL\[E]\textit{r}} sorry he cannot agree with the Gentlemen. Confident as he is that it is now in favor of this State—we are a Seaport—We Export and trade calls for [illegible] \( [47] \) with the Produce of Connecti[cutt] & Mass. Have Attempted for Years to try the other Measure—a Bad Pilot who will run twice foul of the same Rock. We have found the Rock by Expe[rience]—has Candour for the Gentlemn.

Gov. \textit{BRADFOR\[D]} says if we can come to Union it must be before we have the Amend:—has no Dou[b]t of the Gentleman's Sincerity from his [illegible] Experience—no inconvenience to let the Matter lye—should the Gentleman hereafter go to either of the Houses of Congress—He will be confirmed by Reason of the Amendt now proposed. As Mr. Elisha Brown proposed to let it lie till Morning. Joins in the Motion.

Art. 11th Read. 12th D\textdegree. 13th D\textdegree. 14th D\textdegree. 15th D\textdegree. 16th D\textdegree. 17th all agreed to.

18th D\textdegree.

19th to lie on the Table.

20th Article agreed to—The Convention adjourned.\textsuperscript{89}

\textsuperscript{88}It is true that at this time the bad economics of slavery were making themselves felt, but the ultimate result, unfortunately, was to be postponed by the invention of the cotton gin in 1793. It is probably that the proportion of debtors was no greater in the South than in the North, where there were striking manifestations of their influence. Massachusetts, especially, urged the assumption of state debts by the Federal Government.

\textsuperscript{89}The Journal has the following entry:

\textit{Friday, March 5th 1790, 3 o'clock P. M.}

The House met according to adjournment. Present, the President and all Members, heretofore present.

The report of the Committee being read, which consisted of a bill of Rights, and a Number of articles in Amendment to the proposed Constitution. The said Amendments were taken up and debated by the House, Paragraph by Paragraph.

House then adjourned to tomorrow morning 9 o'clock, A. M.
Saturday Morning—March 6—1790.90

Gov. Bowen calld for Proceedings.

The Amendts Read. Mr. Marcht and Mr. Bour[n] object against the Clause in the Amendt which mentions the States retaining their State [courts].91

Mr. Sheldon says that the Cause of the Amendt was the Clause in the Constituti[on] which empowers Congress to appoint Inferior & Superior Cou[rts].92

Mr. Marcht[an]t explains the Nature of the Constitu[tion].

Jop Comstock says the Constitution wants explanation in various Parts.

Gov. Bowen Moves that we finish the Paragraphs one by one till we get thru.

Mr. Marcht will give his Sentiments but if it is the Sense of this House he will acquaint

Bourn. Says the Gentleman means that this Amendt be inserted from the Clause which he Reads. We are perfectly safe without any such Amendt so absurd as the one proposed.

J. Sayles. says that Congress may by General Laws—Viz. “But the Congress may by Law appoint such inferior Courts”.

Bour[n] Certainly this extends to the Appoint[men]t of the same Distri[ct]

Gov. Bradford. Says that the/worthy/Gentleman who was last Speaking will not be responsible—but he has had [sic] heard Persons repeatedly say Congress could.

Bourne. Says we come her[e] to discuss the Constitution—and ought to have it fixed right.

J. Hazzd. says Mr. Bourn is right but the People at large have

90March 6th 1790. The House then met according to adjournment. Present as yesterday. The House then further proceeded on the report of the Com[mit]tee—Bill of Rights and Amend[mens] to the Proposed Constitution. The House adjourned to 3 o'clock P. M. House met accordingly. The following Motion was made by Mr. Marchant and seconded by Mr. Bourne, (viz) “Resolved, That this Convention—.” Thus abruptly ends the Journal kept by Secretary Updike.

91This refers to what later became Article 3 of the Bill of Rights.

92Article III, Section I. Also see Article 6 of the Amendments to the Constitution.
an Idea that Congress has this Power. They have [illegible] their opinion. The Amend. will quiet the Minds of the People at large—if there was no other Reason this would be Sufficient. A Govt established with the Consent and Confidence of the People will be more firm.

GEN. MILL[E]R. The Mind of the People ought to be quieted. But to do that we ought not to insert Nonsense in the Constitutio[n] and wished it expungd.

GEN. STANTON says Now is the Time to quiet the Minds of the People. Much has been said against the State that we are a little Refractory State—ought to be devided or anniliated. This will quiet them and

J. COMSTOCK. It is a poor Excuse against the Amendt that other States have not moved for the same Amendt—by this Rule we should have no need [of] Amend[ments].

B. BOURN Moves that the Amendt be included in the Bill of Rights instead of Standing as an Amend.

J. HAZZARD seconds the Motion. J. COMSTOCK object. BRADFORD that we agree to let it

[50] PRESIDENT calls on the Members That if they have still any objection he would hear them declared.

GOV. BRADFORD asks the Gentleman from E. Greenwich if he would sell him a Farm and give him a Deed.

PRESIDENT observes That we ought not to suffer any thing improper—because if afterwards expunged after having been Referred

CHAMPLIN. observes that the Pres[iden]t has put this Matter in a Just light.

STANTON says the people will strike it out.

MARCHT Says Good God—this is saying I am Beat—observed to send

GENL. MILLER cannot consent to thi[s].

93"Will Congress suffer a single refractory state to embarrass its great necessary national measures?", Providence Gazette, February 27, 1790. Fisher Ames of Massachusetts and Sherman of Connecticut had urged Congress to bring pressure to bear on Rhode Island because of her delay. Annals of Congress, I, 423.

94Mr. Comstock.
J. Williams appears to him this Convention thinks the Amdt ought to come from the Place where it is and to be inserted in the Bill of Rights.

J. Hazard. It will stand much better later—[should] be inserted in the Bill of Rights.

Agreed to be inserted there.95

[51] Second Amend. read.

G. Miller says this is striking again at the Slaves.

Mr. Bourne Reads the Clause of the Bill of Rights and the Alteration is made.96

Gov. Bradford moves that the Paragraph of the Constitution respecting the Representation [be read]. [which is read].97

The Amendt of the Bill of Rights read and agreed to.98

Marcht moves that the S[e]condt Amendt on the Representa[tion] be Read.98

3d. 4th. 5th.

5th Marcht says it was agreed last Evening that it was agreed it should be alter[ed] to Elev[en] Stat[es].

Mr. Bourne says That this Motion will embarrass the very object we have in View—is willing that Such Amend shou[ld] take Effect some Years hence.

Hazard The object of the Motion is that this should not operate until all the Amendts proposed have become a Part of the Constitution.

Marcht observes it will be best to offer a Period.

Hazard Moves that the Period be fixed to the Year 1793.

The Amendt altered so as to read thus ["" ] after the Year 1793 without the Assent of 11n of the States heretofore united under one Confederat[ion].["""]

Art. 6th Read.

Bourne Enquires whether any other State has proposed a

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95 Compare Article 3 of the Bill of Rights.

96 It is not clear what change was effected.

97 Article I, Section 2. This bracket appears in the MS.

98 This refers to the "Second" amendment which was later struck out, and accounts for the difference in numbering.

[70]
Similar Amend. Mr. Sayles replies that North Carolina has made a Similar Amendment. 99

[52] Barton Hopes he is in order and will endeavor to keep so. He was thought out of order [four words illegible] Legislation. I should by no means consent to this Tax did not mean that Congress should not have the Power because he viewed them with a Jealous Eye but he would always view them with a Watchful one.

8th, 9th, 10th Read.

Bour[n] objects to it. It has been demonstrated that this could not be carried into effect. It has been shown that the Congress did all that could be done to carry. It has been shown that it would operate much against [us]. Wrong for us to raise an objection to a Measure favourable to us.

It appears to me that unless Gentlemen will suggest a Mode more Just and Prudent?

G. Miller I can put a Case somewhat similar—suppose this State is 800000 Acres of Land and suppose 200 Planters and in Virginia had 400 slaves—The Slaves themselves pay as much as all the Whites. 100

J. Comstock It is roundly asserted can way [sic] one side of the Question—urges the Impracticability of it—says the Southern States rather than have their Slaves Numbered agreed to the Measures they recommended not from being convinced but from a Conviction that it was most for their Interest as an Evidence mentions their Conduct with regard to the old Continent[al] bills. [53] Moves that it lie till the Adjourn.

Mr. Marcht says this Gentleman is greatly mistaken in the Facts If he has Stated—Those States did not prevail/against the Northern/—with regard to the old Continent[al] Money—it has remained because Congress had not Power to carry into Execution any order Respecting. This an Argument

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99 The fifteenth amendment proposed by North Carolina was the most detailed of the entire twenty-six. Very carefully it defined the judicial power of the United States. Elliot's Debates on the Federal Constitution, IV, 242.

100 See Article I, Section 2, of the Constitution.
for the Adoption of a Govt. which makes and effectuat[es] order.

It cannot be conceived that we shall encrease in Wealth more than in Numbers.

HAZZARD. Says he disputes not the Facts Stated by the Gentlem with regard to all Matters before the last Congress. But Most States have neglected to redeem their proportion of the Continental Mon[e]y is sensible that the Expence of taking an Estimate is more than that of the Numeration. But the Advantages will be grate—being sensible that it will make an Amazing odds to the New England States. Will blame no man for thinking diff[e]r[ent] from him he must

Gov. Bow[en]. More said in this A[r]ti[c]le before they went out than on any other Matter did not expect that it would be repeated. Relates what was before stated by him—suppose That a Sum/ of 8000000/Proportiond to this Stat[e] and goes [illegible] the [54] Also Mentions the Impractic-ability.

MR. GEOR. HAZZARD. Observes that if this Measure is adopted the Committee who shall be appointed by Congress will in Case of an Estimate have Reference to the Estimate heretofor taken in This State notwithstanding it has Sunk 5 per Cent.

Thinks it will operate against us. I see where they are increasing numbers while we do not increase. This Mode pro-[p]osed by Congress.101

Gov. BRADFORD. The Members have freed their Minds—has Gentle

ELISHA BROWN. Never knew an Estimate taken otherwise then by Value—is Surprized that so many worthy Gentlemen will argue against it.

COMSTOCK. Says the People are uneasy—wou[l]d have them consider it.

101 The Constitution provided for a census every ten years. Rhode Island, and especially Newport, had suffered greatly during the Revolution. Such men as General Varnum, who was a recognized leader of the Federalists, had gone to Ohio, and various documents tell of young men going west. Arnold, *History of the State of Rhode Island*, I, 552. Petition from Providence to the General Assembly quoted in Staples, op. cit., 618.
MARCHT. It is possible that a Gentleman should suppose at large.

PRESIDENT. If this State suffers by this Mode of Tax other will also.

Pass 32
Not 36
So it passed in the Negative

Article 11th of the Amendt.
12th 13th 14th 15th & 16th 17th
18th/BOURNE/Moves that this be extended to all other officers appointed by Congress—agreed to.
[55] 19th Article read.

MR. MARCHT Says we can do no good to make such an Amendt.

MR. BOURNE says it cannot operate till after the Year 1808.
It will be necessary that every State should

Gov. BOWEN. It is now looked upon by the Body of Friends through out all the States that a great Point has been gained That such an Ament may be made in the Year 1808. The Friends were opposed to the Constitution at First because they suppose it in some Degree countenance the Slave Trad. It was a Matter of Difficulty in the Convention—a Delicate Subject.

STANTON. Think we ought to bear Testimony against such a Trade. If we do not we shall participate.

BOURLNE We are not a Society of Friends to publish our Testimonials to this. The southern states concedd the Regul[atio]n.

J. COMSTOCK. says That the Amendt does not ask for
E. BROWN moves to have it Read.
It is read.

102See article numbered "Sixteenth."

103The Quaker movement against slavery was especially strong in the middle colonies. John Woolman was very diligent in advocating abolition. At the very time of the Convention, Congress was debating what action should be taken in regard to numerous petitions "of the people called Quakers and also of the Pennsylvania Society for promoting the abolition of Slavery." Annals of Congress, II, 1413-17.
JON. HAZZARD. Says he was not present in the Committee when this Amend was [drafted]—has been informed that a Gentleman

[56] BARTON Sorry to rise with Differ[e]nt Sentiments from his Hon. Colle[a]g[u]es from Pr[ovidence]. He objected before—our Duty at all Times to declare our Sentiments respecting Freedom and Liberty. Thinks the Article allowing the Import[at]ion of Slaves wrongh. That our Citizens carry on that Traffick—calls the Attention of the Convention to the Resolut[io]n of Congress. How beautiful was that. We were then afraid of being enslavd ourselves—a Vesell soon after arrived in No. Caroli[na] with a [cargo]. Let us take to our Minds our Anxious Moments. In the Times of Danger we were anxious for our Tender affairs—is sorry to hear his Honbl Fr[i]end Mr. March[ant] espouse such a Cause—will not [illegible].

MR. MILLER—Does not/rise/ [to] display his oratory but if he had such Sentiments ever since that Year 1776 and had Sent his Slaves to Carolina.

GOV. BRADFORD. Rises to bring this Matter to a Close if he thought any Person in the Court House he would run out of the Court House [sic]. The Lawfulness of the Slave Trade not in Question. The Worthy Member from Newport as much as Col. Barton. The Gentlemen from the Massachusetts were in the Convention. [57] Would the Members of that Convent[io]n have ever agreed to it if this Preamble to this Ament “That this Traffic is Disgracefull to Human Nature”—enlarges on the Imp[rop]riety of a Measure can only serve to affront a Stat[e]. Hopes that those who vote for suppressing this Ament

BARTON. Says he shou[l]d not have risen if Genl. Miller had not suggested some Matters [to] acquiese—he has brought up a Matter which he had no Busin[ess] to—suppose he had done wrong why should it be mentioned here—is willing the Matter should be inquired into—it would be disreputable if we did not agree to the Amendt as it now Stands.

104See note numbered 47.
J. Sayles. It is said that Congress cannot take Cognizance of this Matter till the Year 1808. He agrees that this Construction may be put on the Measure. But thinks it proper

Stanton. It is apparent why it is continued by the Southern States to the year 1808. They [the] Power and Influence of the Southern States. If the Angells should decree such a Trafick in Heaven He should

Champlain. Says he hopes that those who vote against the Ament will not be considered as Friends to Slavery. He has done much toward the Freedom of the Blacks. He is Friend to Genl. Liberty and the Happiness of all Men—will offend

[58] Mr. Mathewson moves to alter.

E. Brown is sorry that the Attorneys will advocate the Cause.

Gov. Bradford respects Gov. Brown the very Hair of his Head. This is not the First Second or Third Time. He abhors the Slave Trade—has as much Regard as any Man to the Liberties of the Poor and the Distressed. This Measure promoted only for the Purpose of Party in this State. The Southern States so tenacious of the Trade.

B. Bourne says he has been branded as being advocate for Slavery—Highly injured by this reflection. He is friend to the Freedom of all Men if he could accomplish the [illegible] before he slept.

G. Stanton. 'Tnis is a Material objection to the Constitution with the People where he lives on account of the Idea. The Principle will bear examining?

Mr. Thos. Allen. Was one of the Committee but did not agree to this part of the Report.

Mr. Geo. Hazzard Speaks largely on this Subject—we will do as little Harm as may be and as much good as may be—convinced that Congress had respect to both Parties. How unhappy should we have been [59] if Congress had been carried away by the Cries about Slavery. Should you offend them it will injure us. Wishes this House to be candid and Thoughtful on this Matter—never knew it good way to hit a Man a Do[?]

and ask a Favor of him.

[75]
Mr. James Sheldon. The Arguments have Entered on Two particulars the Impracticability of the Measure and The Fear of offending the Southern States. The Congress of 1776 resolved that they would discontinue then the Trade.

Pass [vote crossed out]
Not
Passed by one Majority
Second Article read again.

Mr. J. Hazzard says the Mode of Representatn ought not to be calcuated on Slaves—is in Favor of the Mode.

Mr. Sheldon says the Negroes are personal Property.

Mr. Marcht observes on the Impropriety of this Article Standing as it does.

J. Hazzard The Convention having determined against the mode of apportioning the Taxes reported by the Committee deprives him of Argmt.

Geo. Hazz[ard] would act in Public Life as in Private on Fair and Just Grounds
Second Article Struck out.

[60] The 20th Amendt of the Committee read.

There on moved that First Article of the Amendts recommended by Congress—

Gov. Bradford moves to pass the Bill of Rights.—Second by Mr. Marcht.

Mr. J. Williams moves that it be sent to the People. Conversation on this Matter.

And, Waterman seconds the Motion of Sending the Bill of Rights.

Mr. Champlin argues in Favor of approbating the Bill of Rights previous to sending the Bill to the People.

Desultory Debates on the Property of Sending out the Bill of Rights previous to an Approbation of this House.

Mr. Champlin calls for a Vote after having Made Sundry pertinent observations—and that it seems as if the House were themselves afraid to declare their approbation of them.

Mr. Geo. Hazzard follows with Additional Arguments.
J. COMSTOCK. This Convention undertakes to make a Bill of Rights. It is the Work of the People to make them. What is to be done. We can do no more than to refer the Bill to the Bill [sic] and to take their opinion on the Matter. The Gentleman has said much about the Previous Question concludes by many as before

SHELDON. It is curious to observe the Situation [of] This Matter—one Gentleman says it has been Recei[ed] another that it is not Recei[ed].

[61] MR. MARCHANT points out the absurdity of sending the Bill of Rights to the People before it is approbated by the People [sic]. (It is now 1 oClock P. M. Saturday March 6)

MARCHT states how the Question

MR. WM. CONGDON moves that this Bill of Rights that this Convention

ELISHA BROWN moves that we have the Vote whether we adjourn or not before any other Vote is passed.

Desultory [discussion] whether.

MR. MARCHT reduces his Motion to writing.

J. COMSTOCK. We are an Assembly here of 70 Persons. Shall 70 Persons act on this Business to give it full Efficacy—argues that by adopting this Bill some Rights essential may be omitted.

We hav[e] adjourned to 3 oClock P. M.

Met pursuant to Adjournment—

ELISHA BROWN makes a Motion in Writing for refering the Bill of Rights to the Town Meetings in the 3d Wednesday of April next.

JUDGE STEERE moves that the Bill of Rights be receivd.

JOHN WILLIAMS Joins in said Motion.

JOHN SAYLES [says] confessed on all Hands that this Report of the Committee is Recei[ed].

MR. MARCHANT moves to have it enterred in the Journals that the Report is Recei[d].

MR. BOURNE objects to Recording that the Report is Recei[d] by itself—Because it ought also be extended to the Amendts.

[77]
Gov. BRADFORD We are now bringing up a Matter which ought to have been determined on before any debate upon—calls for reading the Bill—says he is in order—has no objection to any Entry being made that the Report of the Committee is Recd—argues against the Motion on the Ground of Im[pri]piety—has no objection to it being enterred in the Journals.

MARCHT. If we look into the Act by which we met we shall find why & how we met here. We have no Legislative Power. Have no other Powers than as Trustees for the Busin[ess]—we have examd the Constitution paragraph by paragraph. The Com[mit]t[tee] drew up a Bill of Rights—has no objection because we may declare that the People have such and such Rights & that when we adopt the Constitu[tion] it may appear that we claim such and such Rights Similar to what was done by New York and may go on to give instances and the Wishes of the People—all this one connected Business. But it belongs to the Convention to finish the Business. objects to Refering the Bill to the People. They cannot consult and Act together upon [it]. Wishes as we have gone thru this Bill of Rights and the Amendts he has a Motion to make—called to Order by MR. COMSTOCK—determd by the PRESIDENT that he is in order. Reads a Moti[on]. Resolved that this Convention having Rec[eive]d

[62] Motion Seconded by B. BOURNE.

COMSTOCK They have rambled a great way round the former Mater ought to be first heard & Determd.

JOB COMSTOCK moves to adjourn to a future Day. Second by ELISHA BROWN who waves the first Motion he made this Afternoon.

GEN. MILLER Moves to have Mr. Comstock's Mot[ ]

COL. BARTON. has come to this Convention divested of all Prejudice for or against the Consti[tution] from some Gentlemen being so anxious that they are influenced by Prejudice—PRESIDENT interrupts Col. Barton and Requests him to Speak to the Point.

COL. BARTON says the Adjournt will affect his Constitu[ents] Sensibly. The Congress have subjected the Citizens to foreign
Duties and foreign Tonn[age] calls for the Reasons why and [an] adjournnt is moved for.¹⁰⁵

SAYL[es] will give the Reasons. If there is no Adjournnt the Question will be adopt or Reject—wishes to mix.

Gov. BRADFORD Enquires of the worthy Gentle[man] how long Time will it Require to take the Sentiments of his Constituents.

MR. SAYLES says that he does not know how long a Time.

PRESIDENT says that both Gentlemen are out of order.

MR. MARCHT Wishes for the Hon[or] of the Convention that the Business be done regularly and reads a Motion.

[64] Mr. BOURNE says it is not in the Power of this Convention to adjourn. The Act of Governt points out the Business. If we have the Power of adjournment they may adjourn to a Month or Two Months or year or ten Years. The opinion ill founded that we may adjourn. We are appointed to consider [illegible] & Decide—our Constituents expected that it would be Decided on. If Mr. Sayles knows the Sentiments of his Constituents he knows how to Vote. Says if one had Power to adjourn it is inexpedient—knows not what Time or plan is intended. Congress are pressing us with their Laws—Tonnage & Duties on Us—no intercourse by Land—all Commerce thereby lost—Coasting business destroyed. Fishermens employd—Especially Herring Fisherm[en]—Go to Virgin[ia] and Eastwd—they take salt in grat Quantities—The United States now r[ais]ing a large Revenue—our Proportion 40,000 Dollars¹⁰⁶—are we in a way to collect our Proport[io]n. He has inquired at the Collectors office in Providence [and] finds we shall not raise a Third Part of the Money—undoubtedly unless we Speedily accede to this Constitu[tion] & this Quota will be demanded of Us. But if we now accede it is probable the Deficiency will not be called for. The Governor has written a Letter by order of the Assembly assuring Congress that we should adopt the Constitu[tion]¹⁰⁷ soon—you Have by a Bill passd in the/up[per]/

¹⁰⁵From Jan. 15 to February 28, 1790, Rhode Island had felt the force of these laws in practice.
¹⁰⁶See note numbered 24.
¹⁰⁷Rhode Island Colonial Records, X, 373.
House pledged yourself for the speedy Adoption\[io\]n.\[illegible\] this Bill [65] and that as you Have supported that Bill it is certain was the Sentiments of [sentence unfinished]. Our Fishery Business our Coasting Business our Ferry Business—has made a Statement of the Tonnage of the Vessels of this sort if Reconned at 4000 Tonn.—Num\[ber\] 22. and will Am\[ou\]nt to 80000 Dollars—only one Month will amount to 700 Dollars. They will suffer more in the Spring than in other Season. Tonnage of Providence more than 10000 Dollars. Post office—150 Dollars a Month which we must account for. Estimate 700 Dollars a Month Loss—1000 Dollars a Year for salt—other Losses the Requistions of Congress \&c 40000 Dollars a Year all our Duties payable in Paper Money another Weighty consideration. The/probab\[le\]/Adjournt of Congress in May—if we accede after the Adjourn there will be not Power to resort to for relief till the next Meeting of this Congress—shall add nothing further now as the Convention has no Power to adjourn.

Jon. Hazz. says the Gentlem from Providence has objected to an adjourn because he says the Convention has not Power to adjourn—Sir if we have no authority to adjourn we have done for we have adjourned—if we can adjourn one Day we can a Week or a Fortnight. May concurr that the Genl. Assembly taking up the Matter without the Consent of the People [66] was a Matter of Complaint. This was the Reason that produced the Bill of the Upper House at the last Session.\[109\] Had this Bill been passed into a Law and the People had instructd then-Deputies to adopt the Constitution it then could \[illegible\]. We derive our Power from the People. They have a Right to be

108"They are considered and treated as foreigners, wholly disconnected from all the said states, by reason whereof it has become the intent and the policy of this State to take the most prudent measures for acceding to the union of the said twelve states, formed and organized as aforesaid," etc. Senate meeting of Jan. 17, 1790. Quoted in Staples, op. cit., 629.

109House of Representatives had rejected the Senate bill of Jan. 15, 1790, requesting the freemen, at town meetings to be specially called, to instruct their representatives in the General Assembly whether a Convention should be called or not.
consultd. They expect the Amendts will be made and sent to them. is extremely sorry for the sufferings of the Merchant[s]. But he hopes congress will continue the Exemption if we do not adjourn too long a Time so as to appear as merely be[ing] adjo[urned]. The Most Haste the Worst Speed is a Maxim. If the Gentlem[e]n had not been in such Haste it wou[l]d have been much better for all. The anxiousness shewn has alarmd the Common People. He does not mention this as Matter of [illegible]. He says We have a Right to adjou[rn] and he has Instruction.

SAML. J. POTTER—The only Question before us whether we adjourn or not—let us keep to the Point.

E. BROWN. Several States have adjournd—North Carolina & New Hampshire. If we apply to Congress they will continue the Indulgence as it will otherwise operate against the Federation. This will seem Hard. The People are more and more [illegible]

MR. DAVIS calls on Mr. E. Brown for his Reasons why he wishes for an Adjournt.

[67] Saturday Afternoon on the Adjournt.

Mr. COMSTOCK observes that Mr. Bourne is of quite differ-[ent] Sentiment from the Last Sentiment. Thus it wou[l]d be perfectly Safe. The convention could adjourn. Much is said about the Damage will arise. But the People must be satisfied. If it is the best Constitu[tion] yet if the Peopl[e] are against it

110 Samuel J. Potter was a native of South Kingstown and he worked according to his country-party standards. According to Foster's Minutes, he spoke only one time and that to lend his weight to an adjournment. He was chosen by the Anti-Federalists to run for Deputy-Governor along with Arthur Fenner, and the Federalists also chose him. He held this office until 1803, when he became a United States Senator.

111 The North Carolina Convention met on the 21st of July, and adjourned on the 2nd of August without coming to any decision. The New Hampshire delegates assembled at Exeter in February, 1788, but after a brief discussion they decided to adjourn until June in order to see how the other states would act. Elliot's Debates on Federal Constitution, IV, 247; A. Nevins, The American States During and After the Revolu-

112 John Davis was a Federalist Deputy from Little Compton.
what will be the confusion. Suppose We are at Some Expense for Tonnage we had better pay that [line illegible].

MARCHT. Had heard that many Things had been said against the Constitution. Expected That here was the Place to Dissent. But what has been said against it. [Sentence illegible] The Bill of Rights it is true has been agreed to. But there is not a Single Right but what was safe by the Constitution—as Some might probably doubt whether we

Args on the Power of Adjourning and Questions the Power of Adjourning—In New Hampshire there was an Adjournt but the Same Question arose and the Adjourtt took place by Agreement—Says the Common People have been whisperd to—other Persons who had Points to carry have been whisperd to—There has been an Adjournmt in the United States [Congress]. It has been said that Two or Three Days /only/ were necessary. But this Time was not enough. Some States have debated Weeks—and the very State of North Carolina so often Referred to here adopted the [Constitution].

[68] Two Years have elapsed—and 18 Months have elapsed since the Govnt was organized. We ought to take Time—if we cannot finish it to day we oug[h]t to adjourn to Monday. We have had to see the 1000 Things, the 1000 Things said against us not True. The People in the other States are in Peace & quiet Enjoyment of their Liberties & Privileges. The Gentleman has observed that the Act of the Genl. Assembly was only recommendatory. States the absurdity and inconsistency of Refering the Mater to the People again. Sir, It has been said that congress will continue their Indulgence—and That if they will be so hard so cruel as to refuse the applicat[i]on it is best for us never to Join them. How unness[a]r[y] is this breaking then with the Respect they Deserv[e]—observes on the Beginning of Congress and their Ready and [illegible] Attention to the applicat[i]on of the States. The First Time they gave suffic[ien]t Time to consider and adopt. It is true before this

113 North Carolina adopted the Constitution on Nov. 21, 1789.

114 Congress passed an ordinance for carrying the Constitution into effect on September 13, 1788.
Time expird the Legislature did take it up. Recites what was done and wrote to Congress assuring them that the Constitution wou[l]d be adopted—and will it not be treating them with Indignity to postpone the Adopt[i]on. (States the Improbability of Congress further indulging us.) Will congress derange all their Measures the most necessary Affairs of this Nation to gratify us. We are trifling we are sporting with the Privileges of the Means by which this [69] People live. The People do see that that [sic] the Property is depreciating. That they are depressed. What may be the Conseque[nce] he knows not. He would not contend against a short Adjournmt. States Inconven[ie]n[ce] to the Farmer in case the Constitu[ti]on is not adopted—in not having a Market. He cann[o]t have Credit. He cannot do his Business. Congress have it in Expectation to rise in May. They have before them Business of the Highest Conseque[nce] to us. If our Delegati[on] do not arrive before the Adjourn[mt]. States the Evils we shall be under There is no other Means than a Land tax for discharging the defic[ie]n[cy] we shall have to make up for the Revenue.

Gov. BRADFORD—Says he hoped to have now [illegible] puts him in Mind of a Story he had heard of Lord Coke who had a [illegible]. The Question is whether we have power to adjourn. There has been no Instance but New Hamps[hire] and there ten Members were clogged with their instructions. They themselves moved for Liberty to adjourn. The Gent. from Smith-f[iel]d has said that he wants to consult his Constituents when he has said there is a Majority against this—has no Right to adjour[nmen]t.

[70] GENL. MILLER is against an Adjout. We have no Right—Though they have their almighty Power—Suppose he

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115 At a special session of the Assembly, on the 15th of September, 1789, it was voted to send a letter to Congress declaring their affinity to the democratic form of government, but stating that they must wait to see the checks and securities resulting by way of amendments. They also asked for free and open trade with the United States. At the meeting in January, 1790, it was voted to ask for an extension of the indulgence, as they expected soon to join the Union.

116 John Sayles.
[Brown] should go home and his Constituent[s] [blank]. Nothing offered as a sufficient Reason for an Adjt. could he believe the Adjout was for an Adoption he should not be against. It is intended by some to keep this Link broken that some disturbance may happen—and it may then be said—[blank] cannot tell how it is possible that those who have been firm [blank]. Points out the disadvantages to Warren—for a Number of Years past 6 or 500 Barrels of Herr[ing] taken up the Pawtuxen[t] all the Barrels and Salt for the use [illegible] if it will only Benefit Warren he [illegible] it may be [illegible] with the Privilege. Wishes he had the Eloquence of Demosthenes.

Adjoin 41

[Not] 28

Gov. Bradford moves that the Convention adjourn to the Last Monday in March.

Seconded by Mr. March.

[71] Elisha Brown moves that the Adjourn be till the Monday after the Proxing Day.117

Gov. Bradford obliged for the Conduct of the old Gentlem. Says it was a Proper Season to take up the Business. The First Day of April the Indulgence expires.118 [Illegible] if nothing is wanted but to consult their Constituents—if they go beyond the Time we may be always—we must view this Matter on the Broad Basis of Candour. Observes on the Advantages of a [illegible] between the Merchant & Farmer. The Merchant who

Two spears of Grass where but one grew before.

Elisha Brown is against the Time sooner than that he has moved because it will cause Meetings.

President says that we had better finish the Bradford. calls on the Gentl. who has Spent almost a Century on the Earth whether he is not convinced in his own Mind that the damage and inconvenience will be vastly greater—mentions Warren as depicted by Genl. Mil[ler].

117Election Day, April 21.

118Congress had extended the exemption until that time.
Brown solemnly Declares solemnly that he acts with a Clear Conscience.

[72] Geo. Hazard Did not the Gentlen come from North Providence with but one Eye—will it injure this man this Time—was he not moved by what Gen. Miller [said]. Says the Man who cannot look with Two Eyes when he has them ought to have no more than one—Seconds the Motion of adjourning to the last Monday of March.

Andrew Waterman moves for the 24th Day of May—Seconded by Mathewson.

Gen. Stanton Joins the Motion. Says the People are frightened by the Anxiety which is Shewn for the Adopt[io]n.

Marcht [sic].

Elisha Brown gives up his Motion for the Monday in April and joins for the 4th Monday of May.

Marcht restates the Inconveni[ence] of meeting in April. That the Gentleman is fascinated with the sound of Proxing Day—If the Interests of the Freemen is consulted

[73] Bourne says the only Quest[io]n is to what Time we shall adjourn. Three Diff Times have been mentiond. He mentions them. He considers the Reasons which have been given—obviates the objection that it is Hurrying the Matter. The constitut[ion] had been published and every man has made up his Mind on the subject. There will be Time in the month of March to consult the Freemen. We shall be obliged to pay 2000 Dollars for the Delay of the Month of April. In Consequence of the requisition made in October Last Indulgence was Limited to the 15th of Janry. Congress subjected us to [illegible] Tonnage and Tonnage duties to prevent foreigners from availing themselves of the Rhode Island flag. The Revenue System before Congress in which all of us are Interested

Geo. Hazard Certain That 1/2 or 2/3 of this House consists of Members of the Genl. Assembly. It was the Meaning

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119 The General Assembly, in October, 1787, had ordered the printing of sufficient copies of the Constitution to send from 10 to 100 to each town, and 150 copies of the Amendments were printed by order of the October Assembly in 1789. Rhode Island Colonial Records, X, 265, 360.

120 Forty-two out of seventy were assemblymen.
of this Assembly that the Convention should finish the Business—cannot therefore consent to the Adjourn. It was moved for that Adjnt and some of the Members were willing to acquiesce for the sake of accommodation.

[74] Can any Men think it Right thus to length[en] out the determination of this Business after having declard that Time to Consult the People was their only object. It will have the Appearance of Trifling.

Did we not suggest to Congress that there was the Greatest Probability—and will it not be dishonorable for us to depart. This is the Constitution of the Country—as impossible for us to avoid being under it as wou[l]d be for Fish thrown upon the Land with out and again to get to the Sea. We are held to pay our Part of the National Debt—as much as if the Lands were Mortgag[ed]. Let me ask the Landhold[er]s respecting a Matter in which they is interested. The Farmers defeated the 5 per Cent121—has anything been done since to lesson the Debt—This Interest has run on—is running on—Eating Day & Night it must be paid—will not propriation be called for. Congress has made Arrangement for destroying it by Revenue—if we adopt the Constitution we shall have the same Means—if we do not adopt the Constitution we shall lose the opportunity—if we suffer another Jigg to be danced will not the worst Consequences follow. Have we not seen the Dir[e]ct Taxat[io]n Will not Do. We have been pay[in]g six per Cent Interest on Securities which we have sold for 2% in the [illegible]. This Mischief has [five words illegible]. He asks no Office neither of Congress or the States. He shall Pity those who are now thus blinded. The Time will come when they will be convinced that this Measure is necessary.

G. MILLER was against an Adjou[rmen]nt But when out sold he will submit. But if it is the Intention to adjou[rn] so long he and his Constituents will petition Congress to be set to Massa-

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121 This is not exactly the truth because a large element of the commercial class in 1782 and 1783 was also opposed to granting to Congress the power to lay an impost.
J. Comstock. We have voted to Adjourn—we have a Right to take our own Time—no wonder that those who were then against the Adjournment now wish to make the Time as short as possible. We the Servants of the People. We act for them. The Constitution is the Proper Word of the People. I cannot act against their Consent. When the People have had Time to think of it it will be proper to meet again—if we adjourn to the 24th Day of May we shall have time to consult. With respect to what Genl. Miller has Said of Petition—we are independent State—if do anything.

G. Miller I cannot bear to be imposed Upon by the Gentleman. Instead of Consulting the Sentiments of his Constituents—He persuades them to be against the Constitution.

Matthewson. Says That the Matter cannot be laid before the People till their Town Meetings because we cannot order Town Meetings to be called.

Marcht says This Shows us that we have reason to adjourn. Seven Men may call Town Meetings. If 7 Men cannot be found willing to call Meetings we may certainly then proceed to adopt the Constitution. The Gen. Assembly gave us one Month.

Champlin has not said anything on the subject of the Adjournment because ably spoken. Was it not for Proxwing Time he supposed there would be Time enough before April. Wishes Good men may be appointed. That the Members would go home with the Disposition of Members in New Hampshire. Mr. Bourn has stated the Ill Consequences—in same Respect Newport must have their Wood from abroad—the Price will be doubled—calls on the Gentleman from Middletown to wit-

122 The western boundary of Massachusetts is very close to Warren and Bristol, which are located on the east side of Narragansett Bay. As rivers rising in Massachusetts flow into the bay at these points, it is easy to see the basis for this statement.

123 Mr. Mathewson apparently thought it much worse for the Convention to make innovations than for the General Assembly to do so. The act of February, 1788, in its method of calling town meetings to vote on the Constitution was at variance with all past custom.
ness the Melancholy Situation of Newport. These People have looked up to this Conventn for Relief—they have been patient. Prevented from carrying away the Rum chocolate &c manufactured in this State. Have no Staple—could formerly with spermicety candles Rum Aples Potatoes Cyder Cheeses &c obtain—Send latterly to South Carolina to purchase the Produce could only send 7 Bundle of Hay. Congress will be disappointed in not finding that [blank].

Uncertain what Measures congress will take. This was only prevented last fall from Prohibiting the Exportation of the Produce of this State—enlarges here. If the Adjourn is to Last of March The Representation/in Congress/may be chose. Calls for the Vote the Last Monday of March or not.

Mathewson proposes the Vote on Last of March on the March Relies on the Candour of the President to [illegible].

Andr. Waterman is for laying the Business

[78] Desultory Debate on the Mode of Putting the Vote.

J. Comstock contends for the Vote being put by the words Last Monday of March or 4th Monday in May.

B. Bourne We have not occasion to ask for favour—we have a Right to the Vote by Yea or Nay. Shall the Adjournment be on the last Monday of March or not.

March [apparently he did not speak].

March 31

Not 38

not by Seven Majority.

Mr. Champlin moves that the Adjournment be on the Monday following the Proxing Day.

J. Comstock contends for the last Monday of May.

Col. Barton begs Gentlemen to consider the Importance of the Matter. Congress will not extend further Indulgence. It is for the Poor and the Needy that he is Soliciting. The Merchants can remain—if it is postponed he is afraid they will repent of it—intreats and Beseaches the Gentleman to attend to this Mater.
GOVR. Bowen says To postpone the Mater is a Wanton Exercise of Power. He has good Authority to suppose no further Indulgence will be given.


[79] Gov. Bradford Moves That the Vote may be the Last Monday of April or May. Will always be Opposed to Threats. Will go with his fellow Citizens But thinks we do not Stand so secure as some think we have Enemies from North to South—will ever do all in his Power for the Good of the States—will never consent to an Applicat[ion] to [Congress]. Congress [illegible] to the [illegible] of the State. Saw Mr. Sayles Smile when it was observed that he would have time enough to consult his Constituents. The Revenue not collecting—our Debt going on—Congress Rising—our Trade Stoppd. Our citizens Treated with Contempt/our State Disgrac[ed]/why should it be postponed. Moved that the Vote be [taken].

Gov. Bradford. Points out the Certain Consequences of postponing the Mater till the 4th Monday of May.

Mr. Williams I did not think of say[ing] any thing on this Matter but we have been so repeatedly called on by Gentlemen who have been Candid as we and we as candid as they. These Gent have called for our Reasons. But they are hardly to be pursuaded that we have any Reasons. We are Sensible of the/weight of/reasons which have been [illegible] is Sorry for the Difference of Sentiment—wishes that could be [illegible] who is [illegible]—will candidly give the Reason with as much [illegible] as he Spoke. Those who are candid will allow this. We are on the side of the side [sic] of the People. [80] We are to Act for them. He is on the Side of the People. They have/be[en]/repeatedly called on to give their Sentiments on this Matt[er]. This Convention originates from the choic[e] of the Body of the Body [sic] of the People[e] and we know coming

124 This was the letter written by George Washington, President of the Federal Constitutional Convention, which recommended the Constitution to the United States in Congress assembled. Believing it to be the best interests of all states to form a more perfect Union, he urged that they consider the importance of adoption for the good of all, which would mean that each state should put aside their selfish contentions.
from them that it is the Sentiments of the Great Body of the People that this Constitution[on] Should be rejected. It takes some time to bring the the [sic] whole People to an Agreement to the Constitution. We have had Time to Do the [illegible] but if we had done it we have Reason to Judge of the Consequence. The Time till the 4th Monday of May will be [illegible]. If the People will consent to the Adoption he will cheerfully acquiesce in the Government even if he was of a Different opinion. But it is his Duty to be on the Side of the People.

MR. BOURN has wanted to here the Reason which he expected the Gentleman would [give] but he has not heard a Single Reason—He has said that We know the Body of the People are against it—that his Constituents are Against it—Therefor instead of voting for an Adjournment he ought to have voted for a Rejection of the Constitution. He had rather have the Constitution rejected than be postponed to the last Monday of May.

[81] Congress will probably subject subject [sic] [rest of sentence illegible]. Hopes that the Reason given will convince the Inhabitants of Foster and all the other Towns.

Gov. BRADFORD says That it is Time for the worthy Members to wrestle with the People[es] of his Town to persuade them of the Necessity of the Constitution. That he will have the same Candour for those who advocate the Constitution as he asked for those who are against it—as those who advocate it are also on the side of the People.

May [24th] 36

No 32

MR. CHAMPLIN [sic]

[Vote on the place of meeting]

East Greenwich 34

Newport 35
AMENDMENTS PRESENTED TO THE STATES FOR RATIFICATION*

1. After the first enumeration, required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

2. No law varying the compensations for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened.

3. Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or to the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

4. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

5. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

*Numbers one and two did not receive the necessary three-fourths vote to make them a part of the Constitution.
6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

7. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land or naval forces; or in the militia, when in actual service in time of war or public danger: Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law: Nor shall private property be taken for public use, without just compensation.

8. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and have the assistance of counsel for his defence.

9. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined, in any Court of the United States, than according to the rules of the common law.

10. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

11. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

12. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
RHODE ISLAND'S BILL OF RIGHTS*

1. That there are certain and natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which, are, the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2. That all power is naturally vested in and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

3. That the powers of government may be reassumed by the people, whenever it shall become necessary to their happiness; that the rights of the states respectively to appoint the state officers, and every other power, jurisdiction and right, which is not, by the said Constitution, clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several states, or their respective state governments to whom they may have granted the same; and that those clauses in the said Constitution that declare that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

4. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be favored or established by law, in preference to others.

5. That the legislative, executive and judiciary powers of government, should be separate and distinct; and that the members of the two first may be restrained from oppression by feeling and participating the public burdens; they should, at fixed periods, be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular

*Taken from a “Broadside” found among “Papers Relating to the Adoption of the Constitution” (MS), in State Archives.
elections, in which all, or any part of the former members to be
eligible or ineligible, as the rules of the Constitution of govern-
ment and the laws shall direct.
6. That elections of representatives in the Legislature, ought
to be free and frequent, and all men having sufficient evidence
of permanent, common interest with and attachment to the com-
community, ought to have the right of suffrage; and no aid, charge,
tax, or fee, can be set, rated, or levied upon the people without
their own consent, or that of their representatives so elected, nor
can they be bound by any law, to which they have not in like
manner assented for the public good.
7. That all power of suspending laws or the execution of laws,
by any authority without the consent of the representatives of
the people in the legislature, is injurious to their rights and
ought not to be exercised.
8. That in all criminal and capital prosecutions, a man hath a
right to demand the cause and nature of his accusation, to be
confronted with the accusers and witnesses, to call for evidence
and be allowed counsel in his favor, and to a fair and speedy
trial, by an impartial jury of his vicinage, without whose unan-
imous consent he cannot be found guilty, except in the govern-
ment of the land and naval forces, nor can he be compelled to
give evidence against himself.
9. That no freeman ought to be taken, imprisoned, or dis-
seized of his freehold liberties, privileges, or franchises, or out-
lawed or exiled, or in any manner destroyed or deprived of his
life, liberty, or property, but by the trial by jury, or by the laws
of the land.
10. That every freeman restrained of his liberty is entitled to
a remedy, to inquire into the lawfulness thereof, and to remove
the same if unlawful; and that such remedy ought not to be
denied or delayed.
11. That in controversies respecting property, and in all suits
between man and man, the ancient trial by jury as hath been
exercised by us and our ancestors from the time whereof the
memory of man is not to be contrary, is one of the greatest
securities to the rights of the people and ought to remain sacred
and inviolate.
[ 94 ]
12. That every freeman ought to obtain right and justice freely and without sale; completely, and without denial; promptly, and without delay; and that all establishments and regulations contravening these rights are oppressive and unjust.

13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

14. That every person has a right to be secure from all unreasonable searches and seizures, of his person, his papers, or his property; and therefore, that all warrants to search suspected places, or seize any person, his papers, or his property without information upon oath or affirmation, of sufficient cause, are grievous and oppressive; and that all general warrants or such, in which the place or person suspected is not particularly designated, are dangerous and ought not to be granted.

15. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has a right to petition or appeal to the Legislature for redress of grievances.

16. That the people have a right to the freedom of speech, and of writing and publishing their sentiments; that freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17. That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural and safe-defence of a free State; that the militia shall not be subject to martial law, except in time of war, rebellion, or insurrection; that standing armies in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times, the militia should be under strict subordination to the civil powers; that in time of peace no soldier ought to be quartered in any house without the consent of the owner, and in time of war, only by the civil magistrate, in such manner as the law directs.

18. That any person religiously scrupulous of bearing arms, ought to be exempted upon the payment of an equivalent, to employ others to bear arms in his stead.

[ 95 ]
AMENDMENTS TO BE PROPOSED TO THE FEDERAL CONSTITUTION

Article First. The United States shall guarantee to each state, its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Constitution expressly delegated to the United States.

Second. There shall be one representative for every thirty thousand free inhabitants, including those bound to service for a term of years, and excluding all slaves and Indians, until the whole number of representatives amount to two hundred, after which, that number shall be continued or increased as Congress shall direct, but shall not be diminished.

Second. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state, shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same; or in case when the provision made by the states is so imperfect, as that no consequent election is had, and then, only in that the legislature of such state shall make provision in the premises.

Third. It is declared by the Convention, that the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state, but to remove all doubts or controversies respecting the same, that it be expressly expressed as a part of the Constitution of the United States, that Congress shall not directly or indirectly, either by themselves or through the judiciary, interfere with any one of the states in the redemption of paper money already emitted and now in circulation; or in liquidating and discharging the public securities of any one state, and that each and every state shall have the exclusive right of making such laws and regulations, for the before mentioned purpose, as they shall think proper.

Fourth. That no amendments of the Constitution of the United States shall take effect or become a part of the Consti-
tution of the United States, after the year one thousand and seven hundred and ninety-three without the consent of eleven of the states heretofore united under one Confederation.

Fifth. That the judicial powers of the United States shall extend to no possible case, where the cause of action shall have originated before the ratification of this Constitution, except in dispute between states about their territory, disputes between persons claiming lands under grants of different states and debts due to the United States.

Sixth. That no person shall be compelled to do military duty, otherwise than by voluntary enlistment, except in cases of general invasion, anything in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution of the United States, to the contrary notwithstanding.

Seventh. That no capitation or poll tax shall ever be laid by Congress.

Eighth. In cases of direct taxes, the Congress shall first make requisitions on the several states, to assess, levy and pay their respective proportions to such requisitions, in such way and manner as the legislatures of the several states shall judge best; and in case any state shall refuse or neglect to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest at the rate of six per cent. per annum, from the time prescribed in such requisition.

Ninth. That Congress shall lay no direct taxes, without the assent of the legislatures of the three-fourths of the states in the Union.

Tenth. That the journals of the proceedings of the Senate and House of Representatives, shall be published as soon as conveniently may be, at least once in every year, except such parts thereof relating to treaties, alliances or military operations as, in their judgment, may require secrecy.

Eleventh. That regular accounts of the receipts and expenditures of all public moneys, shall be published, at least, once in every year.

Twelfth. As standing armies, in time of peace, are dangerous
to liberty, and ought not to be kept up, except in cases of necessity, and as, at all times, the military should be under strict subordination to the civil powers, that, therefore, no standing army or regular troops shall be raised or kept up in time of peace.

Thirteenth. That no moneys be borrowed on the credit of the United States, without the assent of two-thirds of the senators and representatives present, in each House.

Fourteenth. That the Congress shall not declare war, without the concurrence of two-thirds of the senators and representatives present, in each House.

Fifteenth. That the words “without the consent of Congress,” in the seventh clause in the ninth section of the first article of the Constitution, be expunged.

Sixteenth. That no judge of the Supreme Court of the United States, shall hold any other office under the United States or any of them; nor shall any officers appointed by Congress, be permitted to hold any office under the appointment of any of the States.

Seventeenth. As a traffic tending to establish or continue slavery of any part of the human species, is disgraceful to the cause of liberty and humanity, that Congress shall, as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves, of every description, into the United States.

Eighteenth. And that the amendments proposed by Congress, in March, 1789, be adopted by this Convention, except the second article therein contained.

This may be found among the “Papers Relating to the Adoption of the Constitution” (MS) with the first article marked “Second” crossed out.
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